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AGA

Case: Hercules


Case Number: CR-FY97-058

Person Interviewed: Becky Ohler

TNRCC Office: Region 12 - Houston

Location: TNRCC Region 12 office


Date/Time: May 12, 1997/12:43 pm



On May 12, 1997, TNRCC Special Investigator Brian Lynch interviewed TNRCC Air Program Inspector Becky Ohler at the TNRCC Region 12 office. Ohler advised that she received a telephone call from John Eldridge, an attorney representing Hercules Marine Services Corporation (Hercules), requesting a meeting to present information to the TNRCC. She advised that Eldridge told her Larry Ballinger would also be present for the meeting and that it would be held either Wednesday afternoon or Thursday morning.

Ohler advised that Eldridge called to set up the meeting pursuant to a complaint she was investigating against the Hercules facility located at 906 Marlin, Freeport, Brazoria County, Texas. She advised that the TNRCC Region 12 Air Program received a complaint on April 14, 1997 (**See attachment 1 - 4/14/97 Complaint**), from an individual alleging that Hercules was cleaning barges which last contained material with a vapor pressure greater than 0.5 pounds per square inch absolute (psia) and that they were not using the air emission controls required by TNRCC Regulation V (**See attachment 2 - TNRCC Rule, 30 Texas Administrative Code Chapter 115**). Ohler advised that the complainant told her that the barges came from BASF, in Freeport, Texas, and that someone at BASF provided information concerning the types of material that were being sent from BASF to Hercules. She advised that complainant told her the materials coming from BASF included cyclohexane and that cyclohexane has a vapor pressure greater than 0.5 psia. Ohler advised that the complainant told her that Hercules did not have a vapor control system required by TNRCC Regulation V. Ohler advised that on April 16, 1997, the complainant provided her a list of barges that had allegedly been cleaned at Hercules on specific dates and that one of the compounds contained in the barges was listed to be cyclohexane (**See attachment 1**). She advised that the vapor pressure of cyclohexane was greater than 0.5 psia and that the cleaning of a barge which last contained cyclohexane would require the use of a vapor control system under TNRCC Regulation V to prevent unauthorized air emissions from thisarge cleaning activity.

Ohler advised that the TNRCC Region 12 Air Program also received a complaint from an individual on April 28, 1997, alleging bad odors coming from a certain barge numbered ET112 at Hercules on April 27, 1997, which contained either aniline or cyclohexane (**See attachment 3 -**



4/28/97 Complaint). She advised that the April 28, 1997 complaint was substantiated, as far as the allegation that a barge last containing cyclohexane was being cleaned at Hercules on April 27, 1997.

Ohler advised that she went to Hercules on the morning of May 5, 1997, and that Fay Lu of the TNRCC Region 12 Air Program accompanied her on the complaint investigation. Ohler advised that she met Hercules Manager Larry Ballinger at Hercules and told him that she had received a complaint that Hercules had cleaned barges not allowed by TNRCC Regulation V. She advised that Ballinger pulled Hercules records for the dates February, March, and April 1997, and provided the records to Ohler for inspection. She advised that she inspected records of barges cleaned at Hercules for all but two of the barges listed on the information provided by the informant on April 16, 1997. Ohler advised that the Hercules records substantiated that all the barges which the complainant had told her had been cleaned at Hercules on the dates indicated had in fact been cleaned at Hercules on the dates indicated by the complainant. Ohler further advised that she discussed the two missing barges. The first barge Number ETT 112 was alleged to have been cleaned on February 18, 1997. She advised that the Hercules records indicated that the barge ETT 112 was stripped and blow dried on February 12, 1997. Ohler advised that Ballinger could find no Hercules record concerning the second barge numbered ETT 115 alleged to have been cleaned on April 16, 1997, except for the Hercules record which indicated this barge was deballasted on April 10, 1997.

Ohler advised that her inspection of the records Ballinger produced for inspection indicated that Hercules was in compliance with the TNRCC Regulation V. She advised that the records showed the material that Hercules had cleaned from barges at their facility during the months of February, March, and April 1997, to be normal butanol, aniline, and caprolcatam extract and that all of these barges came from BASF in Freeport, Texas. Ohler advised that she logged in her TNRCC inspection notebook what the Hercules records showed to be the materials cleaned at Hercules during the time frame listed above (See attachment 4). She advised that these records reflected that all materials cleaned from barges at Hercules had a vapor pressure greater than 0.5 psia and were exempt from vapor control requirements of TNRCC Regulation V. Ohler advised that the following information was noted in the Hercules barge cleaning records which she inspected:

1. OSHA document noting the compound in the barge and discussing dangers of the chemical which was signed by employees that worked on cleaning the barge.
2. Barge cleaning report showing the chemical compound contained in the barge and when it was cleaned at Hercules.
3. Invoice noting how the barge was cleaned such as stripped and blow dried.

Ohler told Lynch the Hercules records looked good, that it appeared that Hercules was in compliance with TNRCC Regulation V, and that she and Fay Lu did not expect to find a problem of a conflict with the records at BASF.

Ohler advised that she and Faye Lu went to BASF on the afternoon of May 5, 1997, to continue

their complaint investigation and met L. L. Moore who set up a meeting for them with Mark Hana, BASF Technical Services Representative, and Robert Peters, BASF Logistics Coordinator. Ohler advised that she informed the BASF representatives that the TNRCC had received a complaint against Hercules about serious charges that Hercules was cleaning chemical compounds from barges that they were not supposed to be handling and that the Hercules records reflected that they had been cleaning barges from BASF. Ohler advised she then told the BASF representative that she wanted to review BASF records concerning the barges Hercules had cleaned for BASF. Ohler advised that the BASF representatives were very cooperative.

Ohler advised that she and Lu reviewed the BASF records for BASF barges cleaned at Hercules during the time frame of February, March, and April 1997. She advised that she found 16 barges had been cleaned at Hercules during this time frame and of these 16 barges eight contained cyclohexane. Ohler advised that she logged notes concerning these records and then left BASF (See attachment 4).

Ohler advised that later that afternoon she compared her notes for the BASF records to her notes for the Hercules records and determined that of the eight barges which BASF records showed contained cyclohexane, the Hercules records showed that all eight of these barges contained normal butanol.

Ohler told Lynch that on May 6, 1997, she called and left a message to Mark Hanna of BASF telling him that she wanted to make copies of the records which she had reviewed on May 5, 1997.

Ohler advised that on May 7, 1997, she went back to Hercules, and met Hercules secretary Gloria Milsap. Milsap allowed Ohler to copy the records she had previously reviewed (See attachment 5 - Hercules records provided 5/7/97).

Ohler advised that she proceeded to BASF, contacted Robert Peters secretary Suzette Johnson, and requested to copy the documents which she had called and requested on May 6, 1997. Ohler advised that Johnson brought eight documents to her (See attachment 6 - BASF records provided 5/7/97). Ohler advised that when she reviewed the documents she observed that the documents did not indicate the chemical compound name. Ohler advised that Johnson told her that anytime it is noted on the document Citgo / Phillips / Koch / Huntsman / Chevron it is equivalent to noting that the barge contained cyclohexane because these were the companies from whom BASF purchased cyclohexane. Ohler advised that Johnson also told her that anytime it is noted on the document "strip and blow dry" this indicates that the barge contained cyclohexane because this is the prescribed method of cleaning a barge which last contained cyclohexane. Ohler advised that when she met with Robert Peters he showed her a document which indicated the method of cleaning to be used for specific chemicals to be cleaned out of barges.

Ohler told Lynch that while she was at Hercules meetin with Ballinger, there was a record which was not clear as to what was on a particular barge. She advised that Ballinger telephoned

Johnson at BASF and asked her what was in this certain barge on the certain date in question. Ohler advised that Johnson was able to answer Ballinger's question and it was obvious to her that Ballinger and Johnson had discussed barge cleaning jobs before because they sounded familiar with one another.

Ohler advised that the TNRCC Regulation V came into effect on November 15, 1996. She advised that she conducted a state implementation plan (SIP) air inspection at Hercules in December 1996 (**See attachment 7 - 1996 State Implementation Plan Inspection**). She advised that she checked Hercules records for all barges cleaned during a one to two week period in December 1996, to determine their compliance with TNRCC Regulation V. She advised that she also questioned Larry Ballinger during the inspection about how Hercules would comply with TNRCC Regulation V. Ohler said that Ballinger told her that Hercules planned to install a thermal oxidizer as a control device that would burn vapors purged from the barge that was being cleaned and that this would allow them to clean barges containing chemical compounds with a vapor pressure greater than 0.5 psia. Ohler advised that Ballinger indicated to her that the thermal oxidizer would be in operation soon. Ohler advised that Ballinger told her that Hercules intended to comply with the TNRCC Regulation V barge cleaning rule by only cleaning barges that last contained chemical compounds with a vapor pressure less than 0.5 psia.

Ohler advised that she inspected the Hercules records and that the records indicated only chemical compounds with vapor pressure less than 0.5 psia were cleaned from barges at Hercules and, therefore, she found Hercules to be compliant with TNRCC Regulation V and documented this information in her December 1996 SIP. ✓

Ohler advised that Hercules submitted a Regulation VI Construction Permit Application for the thermal oxidizer unit to the TNRCC (**See attachment 8 - Regulation VI Permit Application**). She advised that the permit application was reviewed by TNRCC personnel and determined to be deficient, and the permit was never issued. She advised that Hercules decided to apply for a Regulation V standard permit instead of a Regulation VI Construction Permit (**See attachment 9 - Regulation V Permit**). She advised that this allowed Hercules to install the thermal oxidizer control device required by TNRCC rules under a standard permit by merely notifying the agency of their activity. ✓

Signed:

Brian Lynch

Date Prepared: August 5, 1997

Case: Hercules  
Case Number: CR-FY97-058  
Person Interviewed: Juan Gonzalez, Cleaning Superintendent  
Texas Boat and Barge  
TNRCC Office: Region 12 - Houston  
Location: Texas Barge and Boat  
4115 East Flood Gate Road  
Freeport, Texas  
Date/Time: August 6, 1997 / 10:55 am

GOOD  
WITNESSES

On August 6, 1997 TNRCC Special Investigator Brian Lynch interviewed Juan Gonzalez at the Texas Boat and Barge office located at 4115 East Flood Gate Road, Freeport, Brazoria County, Texas. Gonzalez was advised that Lynch was a criminal investigator with the TNRCC and that he was investigating Hercules Marine Services Corporation located in Freeport, Texas.

Lynch asked Gonzalez who told him that Hercules Marine Services Manager Larry Ballinger called BASF right after the TNRCC Inspector left the Hercules facility. He advised it was a deck hand on the barge that had been at Hercules at the time that the inspector came to talk to Ballinger.

Gonzalez advised that he left Hercules in October 1994, and that Claudio Durate replaced him as Cleaning Superintendent after he left. Gonzalez advised that he had worked at Hercules for 15 years and he had been Cleaning Superintendent since 1990. He advised that Hercules generated about three to seven thousand gallons of waste water for each barge they cleaned. He advised that when he left they cleaned about 20 barges a month and about half of these were strip and blow only with no waste water generated.

SI Lynch asked Gonzalez what Hercules did with waste water generated in 1994. He advised that he was not sure. He advised that Larry Ballinger was the boss then and Jessie Camacho took over for a little while. Gonzalez advised that Jimmy Jackson was also there during this time period. Gonzalez advised that he recalls Hercules cleaned one barge for Tom Gates of Bolivar Barge in 1994. Gonzalez advised that Larry Ballinger and Tom Gates are friends. He advised that Tom Gates and Bob Germany are chemical brokers and that when Larry Ballinger came to be in charge that Ballinger let these two individuals purchase chemicals removed from barges at Hercules during the 1993-1994 time period. Gonzalez advised that Tom Gates hauled out three

truck loads of waste water from the barge which Hercules cleaned for Gates in 1994. Gonzalez advised that Hercules had four 75,000 gallon tanks to store waste water. He advised that when he left in October 1994, two of the 75 thousand gallon tanks in the back were full and one of the 75 thousand gallon tanks in the front was full. Gonzalez advised that he had paper work on the amounts of waste water stored in tanks at Hercules when he left in 1994. He advised that he kept this record in his log book.

Lynch asked Gonzalez if Jimmy Jackson dumped waste water into the Intracoastal Waterway at Hercules in 1990. He advised that he is pretty sure that he did. Gonzalez advised that when he left Hercules in October 1994, Larry Ballinger and Jimmy Jackson were managers at Hercules. He advised that prior to this Jackson had been the Yard Superintendent under Camacho.

Gonzalez advised that after he left Hercules he heard from Ruben Najera that Hercules had an acid spill. Gonzalez advised that he was told acid was loaded in a trailer with an aluminum part which the acid ate up, resulting in a few thousand gallons of acid being spilled in early 1996.

Gonzalez advised that he talked to Mark Hanna when he was at Hercules about how Hercules would have to get a vapor recovery system hooked up in the future due to regulations. He advised that he talked to Hanna about the thermal oxidizer Hercules had on site but had not yet hooked up. Gonzalez advised that Hanna usually met with Ballinger at the Hercules facility and they seemed like "good buddies".

Gonzalez advised that it was routine for Hercules to receive cyclohexane barges from BASF. He advised that the way Hercules knew what had been on the barge to be cleaned was that Mark Hanna or Suzette from BASF would call and tell them. Gonzalez advised that the independent inspection company Inchcape Caleb Brett would know what had been on the barge. He advised that BASF hired the independent inspection company to go to Hercules to inspect and make sure the barge had been cleaned. They would document their inspection and give a copy to Hercules.

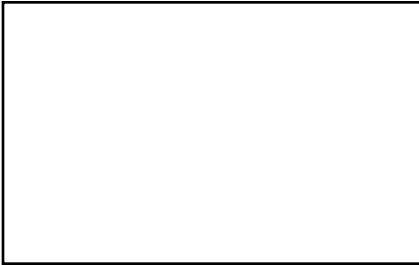
Lynch showed Gonzalez a copy of a Hercules Barge Cleaning Report and asked him if he was familiar with this document. He advised that he was and that when he was at Hercules he completed such reports as the Cleaning Superintendent.

Gonzalez advised that the material being cleaned from the barge is noted on the Barge Cleaning Report. He advised that when the customer would call Hercules a Marine Repair document was completed indicating the work to be done. He advised that a number would be assigned and noted in a log book. He advised that it would be noted on the Marine Repair document and in the log book as to the contents of the barge to be cleaned. He advised that the contents to be cleaned from the barge would also be noted in the inspection company report and in the Safety

Meeting documentation. Gonzalez advised that there are five different documents maintained by Hercules where the contents of the barge would be noted.

PERSONAL INFORMATION

Juan Francisco Gonzalez



Signed:

Brian Lynch

Date prepared:

September 11, 1997



Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Robert Peters, BASF Logistics Coordinator  
Edwin Bergmann, BASF Senior Environmental Engineer  
L. H. "Bubba" Moore, BASF Logistics Manager


TNRCC Office: Region 12 - Houston

Location: BASF  
602 Copper Road  
Freeport, Texas 77541


Date/Time: September 2, 1997 / 2:30 pm

On September 2, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed Robert Peters, Edwin Bergmann, and Bubba Moore at their BASF office on Copper Road in Freeport, Brazoria County, Texas. SI Lynch identified himself as a criminal investigator with the TNRCC. Lynch advised Messrs. Peters, Bergmann, and Moore that he was investigating the cleaning of barges from BASF at Hercules Marine Services Corporation (Hercules) that had contained cyclohexane from November 1996 to present and that he would like to ask some questions concerning this matter. The gentlemen indicated that they were willing to answer such questions.

Peters advised that he is usually the contact person for Hercules at BASF. Lynch asked Peters who he would contact at Hercules to notify them that BASF would be sending them a barge to be cleaned. He advised currently it was Jimmy Jackson and previously it had been Larry Ballinger. He advised that since about April 1997, he notified Hercules by facimile of the barge being sent to be cleaned at Hercules and that prior to this he called by telephone to notify of the barge being sent there. Peters advised that Larry Ballinger was the Hercules Manager and that 99% of the time he would notify the Hercules Manager of the barge BASF would be sending to Hercules to be cleaned. Lynch asked Peters if BASF sent barges to Hercules to have cyclohexane cleaned out between the time period of November 1996 to April 1997. He advised that BASF did send such barges to Hercules during this time period. He advised that most of the time during this time period he called Larry Ballinger and told him that BASF was sending a cyclohexane barge to Hercules to be cleaned. Peters said that he is sure Larry Ballinger knew BASF sent cyclohexane barges to Hercules to be cleaned during this time period because he called him and told him so. Lynch asked Peters if he was sure Ballinger knew about Hercules receiving cyclohexane barges after November 1996 and Peters stated "no doubt about it".



Peters advised that BASF provided material safety data sheets (MSDS) for cyclohexane to Hercules. He advised that it is routine for BASF to send cyclohexane barges to Hercules to be cleaned out, but not frequent. He advised that BASF sends about one cyclohexane barge every



two months to Hercules to be cleaned. He advised that during some months more such barges are sent and other months fewer such barges are sent. Peters advised that in November 1996 notification of the barges being sent from BASF to Hercules was mainly verbal.

Lynch asked Peters, Moore, and Bergmann when did they BASF find out of the problem at Hercules with them receiving cyclohexane barges for cleaning when Hercules had no vapor control system in place. Bubba Moore advised that when the two girls from TNRCC came out and asked to look at barge cleaning records from February 1997 to present. Moore advised at first they said it was a routine visit and then Moore advised during the second meeting the TNRCC inspectors said they needed to make copies of the records. Next, Peters and Moore discussed the question and then said that the TNRCC girls did not tell them of the problem. Then Peters advised Larry Ballinger called and told him that Hercules could no longer clean cyclohexane barges. Peters advised that he received this call after the second visit from the TNRCC on that same day.

Peters advised that until Ballinger called after TNRCC had been to BASF twice, he did not know of a problem at Hercules. Peters advised that Ballinger told him that Hercules had been cleaning cyclohexane barges and they were not supposed to be doing so.

Lynch asked did BASF have a cyclohexane barge at Hercules which was sent away from Hercules because they would not clean it because the TNRCC had discovered this activity had been occurring. Peters advised that he may have had a cyclohexane barge at Hercules to be deballasted.

Lynch asked if BASF had conducted an environmental audit at Hercules. Moore advised that BASF just completed such an audit, but that prior to this one had not been done to his knowledge. Peters and Bergmann agreed with Moore.

Peters advised that Jimmy Jackson recently told him that Hercules now has a thermal oxidizer operational to control vapors from cleaning barges at Hercules. Lynch asked Peters if he had ever heard of the Hercules thermal oxidizer prior to Jackson's recent call. Peters advised he had never heard about this before and never discussed it with Larry Ballinger.

Lynch asked if BASF sent barges to any other barge cleaning facilities. Peters advised that they started using Texas Barge and Boat (TBB) since TNRCC came in. Peters advised that he did not know if Mark Hanna sent any BASF barges to TBB in 1996. Lynch asked what Hanna did at BASF. Peters advised that Hanna is now the Customer Technical Services Representative for BASF. He advised that previously Hanna had his job as Logistics Coordinator. Lynch asked Peters how he learned about TBB. He advised that Bob Ingman of BASF Purchasing Department knew about TBB.

Lynch asked how did BASF control cyclohexane emissions when unloading it at BASF. Bergmann advised that BASF had a closed system which prevented cyclohexane emissions at BASF. ✓

Lynch asked if Peters would provide the following documents:

1. BASF monthly schedule of cyclohexane shipments picked up by BASF in barges.
2. BASF work requests faxed to Hercules describing the barge to be cleaned.
3. MSDS for cyclohexane.
4. Peters Day Planner notes on contact with Larry Ballinger.
5. Barge cleaning procedures.

Peters advised that he would provide these documents and that Lynch could contact him later in the week to obtain these documents.

Moore advised that he would contact ITS Caleb Brett and notify the manager Bobby Fuller that BASF authorized Caleb Brett to allow Lynch to review and copy documents related to cyclohexane barges cleaned by Hercules for BASF which Caleb Brett inspected. Moore advised that BASF would cooperate with Lynch on the investigation.

Signed:

Brian Lynch

Date prepared:

September 12, 1997

Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Gerald "J" Brewer, Intertek Testing Services (ITS) Caleb Brett  
Operations Manager  
Charlie Bennett, ITS Caleb Brett Inspector

TNRCC Office: Region 12 - Houston

Location: ITS Caleb Brett  
214 N. Gulf Blvd.  
Freeport, Texas 77541

Date/Time: September 9, 1997 / 1:30 pm

On September 9, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed Gerald Brewer and Charlie Bennett at the Intertek Testing Services, Caleb Brett (ITS) office on Gulf Blvd. Road, Freeport, Brazoria County, Texas. SI Lynch identified himself to Brewer and Bennett as a criminal investigator with the TNRCC.

Brewer and Bennett advised Lynch that they both had done inspections of barges cleaned by Hercules Marine Services Corporation (Hercules) for BASF at the Hercules facility in Freeport. Brewer advised that he has worked at the ITS Freeport office since January 1996, and had conducted barge inspections at Hercules about 20 times. Bennett advised that he has worked at the ITS Freeport office since September 1993, and that he has done numerous barge inspections at Hercules.

Brewer advised that ITS conducts a visual inspection of BASF barges. He advised that BASF hires ITS to conduct these inspection to ensure the barge has been emptied of the material previously contained in the barge. He advised the inspection is merely visual which means that ITS looks into open hatches on the barge to look and see that the barge has been emptied and physically cleaned. He advised that ITS does not review the cleaning procedures used, but that he is sure that BASF gives Hercules barge cleaning procedures to follow.

Lynch asked who contacts ITS to come inspect BASF barges that had been cleaned at Hercules. Brewer advised that Juan Rivera and Larry (LNU) called him to come do BASF barge inspections at Hercules. Brewer also advised that he would review the BASF Barge Schedule and would telephone Larry (LNU) and ask when a specific barge listed on the BASF schedule to be at Hercules being cleaned was going to be ready for inspection. Brewer advised that when he called more often than not, Larry (LNU) would not know when the barge would be ready and he would tell Brewer that he would check on the status. Brewer advised that subsequently either Larry (LNU) or Rivera would call back and tell him when the barge would be ready for

inspection.

Lynch reviewed specific BASF barge work files which ITS maintained at their office. ITS provided copies of the documents maintained in these files (See **attachment 1**). The files contained the final typed ITS Visual Tank Inspection Report, a hand written version of the report, the job time log, and the Hercules Barge Cleaning Report. Twelve work files on BASF barges that were cleaned during the time period of November 30, 1996 to April 27, 1997, on 11 separate dates were of interest to Lynch. Ten of the 12 barge cleaning reports incorrectly note that Butanol was the cargo cleaned from the vessel when the material cleaned was actually cyclohexane according to BASF records. Eleven of the 12 ITS inspection reports accurately note that cyclohexane was the last cargo carried on the barge. One of the reports mistakenly notes that butanol was the last cargo carried on the barge.

The documents contain the following information:

	<u>DATE</u>	<u>BARGE #</u>	<u>ITS INSPECTOR</u>	<u>HERCULES REP ON VESSEL</u>
1.	11-30-96	ETT110	Nathan Dempsey	not indicated
2.	12-6-96	ETT112	Charlie Bennett	Juan Rivera
3.	12-17-96	ETT115	Nathan Dempsey	Juan Rivera
4.	1-10-97	ETT112	Nathan Dempsey	Juan Rivera
5.	2-9-97	ETT110	Nathan Dempsey	Juan Rivera
6.	2-18-97	ETT115	Gary Carter	Juan Rivera
7.	2-22-97	ETT113	J. Brewer	Juan Rivera
8.	3-6-97	ETT114	J. Brewer	Juan Rivera
	3-6-97	ETT112	Gary Carter	Juan Rivera
9.	4-21-97	ETT112	Charlie Bennet	Juan Rivera
10.	4-23-97	ETT113	Gary Carter	Juan Rivera
11.	4-27-97	ETT112	Charlie Bennett	Juan Rivera

Charlie Bennet advised that he questioned Rivera more than once about the discrepancy between what was the actual last cargo hauled on the barge being inspected versus what Hercules reported on the barge cleaning report. Bennett advised that Rivera indicated that he did not know why the wrong information was written on the barge cleaning report. Bennet advised that it seemed strange to him that Hercules wrote the wrong information on this report. Bennett advised that his contacts at Hercules were Rivera, Claudio(LNU), and Larry (LNU). Bennett advised that when he had noticed these discrepancies at the time he was conducting the inspections, he discussed it with Brewer. Brewer agreed.

Bennett advised that several times over the past three years he observed Larry (LNU) walk on to a BASF barge and talk to Rivera for a short while and then walk off the barge.

Possible contact information for the following was provided:

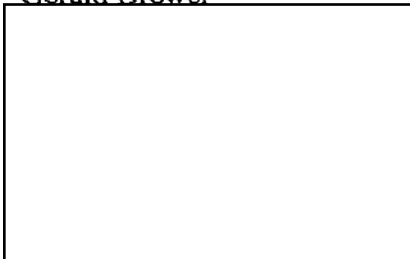
Nathan Dempsey      pager # 409-235-6646  
Gary Carter &  
Sam Washington      SGS inspection company Deer Park, Texas

PERSONAL INFORMATION

Charlie Bennett



Gerald Brewer



Signed:

Brian Lynch

Date prepared:

September 15, 1997

Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Robert P. Engman, BASF Purchasing Agent

TNRCC Office: Region 12 - Houston

Location: BASF  
602 Copper Road  
Freeport, Texas 77541

Date/Time: September 9, 1997 / 10:55 am

On September 9, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed Robert Engman at the BASF office on Copper Road in Freeport, Brazoria County, Texas. SI Lynch identified himself to Engman as a criminal investigator with the TNRCC.

Engman advised that he was familiar with the situation involving BASF barges cleaned at Hercules. Engman reviewed a BASF Purchasing Department file which contained a purchase order for Hercules Offshore Drilling. Engman advised that this document was a blanket purchase order for work done with Hercules. He advised that the blanket purchase order number for Hercules was F91392.

Lynch asked Engman when he learned that there was a problem and Hercules would no longer be able to clean cyclohexane barges for BASF. He advised that he learned about the problem when Robert Peters came to him and said that Hercules could no longer clean cyclohexane barges for BASF. He advised that Peters was looking for another vendor to use. Engman advised that this occurred in May 1997. He advised that he called Texas Boat and Barge (TBB) the same day that Peters came to him with this problem. Engman advised that BASF had a cyclohexane barge at Hercules waiting to be cleaned and Hercules would not accept it. Engman advised that he spoke with Mickey Tiner at TBB.

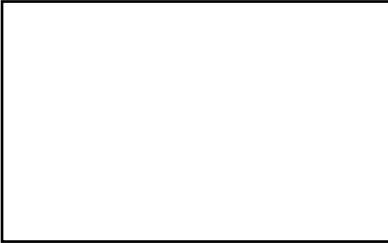
Lynch asked Engman if he had talked with Tiner prior to the above referenced day in May 1997, when he called to arrange to send the cyclohexane barge to TBB. He advised that he had. Engman advised that he had been called by Tiner when Tiner made a sales call in the January 1997 time frame. Lynch asked Engman what were Tiner's selling points. Engman advised the following:

1. TBB was installing newer equipment.
2. Due to location TBB would have less problem with odor complaints.
3. TBB had a flare to control emissions .

Lynch asked Engman if Tiner discussed Hercules. He advised that Tiner did discuss Hercules and it seemed that Tiner did not get along with them. Lynch asked Engman if Tiner told him that Hercules did not have a flare to control emissions. Engman advised that he did. At this point Bobby Atkins said "but that did not mean anything to you" in reference to Tiner's comment that Hercules had no flare.

PERSONAL INFORMATION

Robert P. Engman



Signed:

Brian Lynch

Date prepared:

September 12, 1997



Purchase Order

2 COPPER ROAD FREEPORT, TX 77541 (409) 238-6100

VENDOR NO: 20062301

P.O. NO.

F91392E8

HERCULES OFFSHORE DRILLING  
11011 RICHMOND SUITE 500  
HOUSTON

TX 77042

DATE: 07/26/89

RELEASE NO.

SHIP TO:

BASF - FREEPORT PLANT SITE  
602 COPPER ROAD  
FREEPORT

CHANGE NO.

002

TX 77541

PAGE 1

DATE 07/26/89 SHIP VIA NOT APPLICABLE  
S NET 30  
NOT APPLICABLERENDER ALL INVOICES IN TRIPLICATE TO:  
BASF CORPORATION  
ACCOUNTS PAYABLE602 COPPER ROAD  
FREEPORT, TX 77541

QUANTITY	U/M	DESCRIPTION	PRICE
		CHANGE ORDER NO. 2 - 3/15/93	
		THIS CHANGE ORDER IS WRITTEN TO EXTEND COVERAGE FOR BASF CORPORATION'S (PARTIAL) REQUIREMENTS FOR REPAIR WORK ON BARGES TO BE PERFORMED ON THE VENDOR'S PREMISES.	
		THE EFFECTIVE DATE OF THIS EXTENSION SHALL BE THROUGH 12/31/95.	
		PRICING SHALL BE PER YOUR RATE SHEET DATED 3/3/93.	
		BASF DISTRIBUTION AND TRAFFIC DEPARTMENT AUTHORIZED PERSONNEL SHALL REQUEST ALL WORK AND SERVICES TO BE PERFORMED BY THE VENDOR AGAINST THIS BLANKET PURCHASE ORDER.	
		RELEASES AGAINST THIS BLANKET PURCHASE ORDER MAYBE USED FOR BOTH MAINTENANCE AND CAPITAL REQUIRMENTS, BUT SHALL NOT EXCEED \$10,000 PER RELEASE. FOR A JOB EXCEEDING \$10,000 A SEPARATE PURCHASE ORDER MUST BE ISSUED.	
		BASF MAY CANCEL THIS BLANKET PURCHASE ORDER AT ANY TIME DURING THIS PERIOD WITH NO CHARGE TO BASF CORPORATION FOR THE CANCELLATION.	

BASF TO REMIT TAX - TEXAS DPP# 1-16-1090809-4  
SALES OR USE TAXORDER IS SUBJECT TO THE TERMS AND CONDITIONS ON THIS SIDE AND ON THE REVERSE SIDE HEREOF, AND THE SELLER AGREES TO  
UND THEREBY. BY SHIPPING THE GOODS OR BY ACKNOWLEDGING RECEIPT OF THIS ORDER, SELLER AGREES TO SUCH TERMS AND  
ITIONS. ANY DIFFERENT OR ADDITIONAL TERMS IN SELLER'S ACCEPTANCE FORM, IF ANY, ARE HEREBY OBJECTED TO.IVE ORDER NUMBER MUST APPEAR ON ALL INQUIRIES,  
DICES, PACKING SLIPS, SHIPPING LABELS, PACKAGES  
DOCUMENTS.RTANT: Direct all order-related communications to the purchasing dept. ■ Acknowledge  
ately in writing, confirming shipping date, price, routing, etc. ■ Mail shipping notice or memo  
ading on day of shipment. ■ All shipments must be fully prepaid. Submit original bill of lading  
voice where transportation charges are for Buyer's account. ■ Discountable invoices or net  
invoices will be paid on the Thursday of the week they fall due. Product code number  
ppear on all packages, with the exception of empty containers.

VENDOR COPY

BASF Corporation

B CONTINUED ON NEXT PAGE

chase Order

BASF Corporation

**BASF**

2 COPPER ROAD FREEPORT, TX 77541 (409) 238-6100

VENDOR NO: 20062301

P.O. NO. F91392E8

HERCULES OFFSHORE DRILLING  
11011 RICHMOND SUITE 500  
HOUSTON

TX 77042

DATE: 07/26/89

RELEASE NO.

SHIP TO:

BASF - FREEPORT PLANT SITE  
602 COPPER ROAD  
FREEPORT

CHANGE NO. 002

TX 77541

PAGE 2

DATE 07/26/89 SHIP VIA NOT APPLICABLE  
S NET 30  
NOT APPLICABLE

RENDER ALL INVOICES IN TRIPLICATE TO:  
BASF CORPORATION  
ACCOUNTS PAYABLE

\* 602 COPPER ROAD

FREEPORT, TX 77541

QUANTITY	U/M	DESCRIPTION	PRICE
		ELJ/ES	
		ALL OTHER TERMS AND CONDITIONS OF OUR ORIGINAL ORDER REMAIN UNCHANGED AND APPLICABLE.	

BASF TO REMIT TAX - TEXAS DPP# 1-16-1090809-4  
SALES OR USE TAX

ORDER IS SUBJECT TO THE TERMS AND CONDITIONS ON THIS SIDE AND ON THE REVERSE SIDE HEREOF, AND THE SELLER AGREES TO HONOR THEREBY. BY SHIPPING THE GOODS OR BY ACKNOWLEDGING RECEIPT OF THIS ORDER, SELLER AGREES TO SUCH TERMS AND CONDITIONS. ANY DIFFERENT OR ADDITIONAL TERMS IN SELLER'S ACCEPTANCE FORM, IF ANY, ARE HEREBY OBJECTED TO.

THE ORDER NUMBER MUST APPEAR ON ALL INQUIRIES,  
INVOICES, PACKING SLIPS, SHIPPING LABELS, PACKAGES  
AND DOCUMENTS.

IMPORTANT: Direct all order-related communications to the purchasing dept. ■ Acknowledge promptly in writing, confirming shipping date, price, routing, etc. ■ Mail shipping notice or memo advising on day of shipment. ■ All shipments must be fully prepaid. Submit original bill of lading invoice where transportation charges are for Buyer's account. ■ Discountable invoices or net / invoices will be paid on the Thursday of the week they fall due. Product code number appear on all packages, with the exception of empty containers.

BASF Corporation

BY

Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Robert Peters, BASF Logistics Coordinator  
Bobby L. Atkins, BASF Environmental Team Leader  
L. H. "Bubba" Moore, BASF Logistics Manager

TNRCC Office: Region 12 - Houston

Location: BASF  
602 Copper Road  
Freeport, Texas 77541

Date/Time: September 9, 1997 / 9:00 am

On September 9, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed Robert Peters, Bobby Atkins, and Bubba Moore at their BASF office on Copper Road in Freeport, Brazoria County, Texas. SI Lynch identified himself to Atkins as a criminal investigator with the TNRCC.

Lynch contacted Peters on September 8, 1997, and asked if he had retrieved the records which he had previously agreed to provide to Lynch. Peters advised on September 8, 1997, that he had pulled these records and they were available. Lynch arrived and asked to see Peters. The receptionist advised Lynch he was to see Moore. Lynch met Moore, Atkins and Peters in a conference room at the BASF office.

Lynch asked if BASF considered the act of Hercules cleaning cyclohexane barges without required emission controls serious. Atkins advised that BASF did consider this a serious act that should not have been done. He advised that he believed Hercules was a big corporation and he found it hard to believe that the company knew what was going on. He advised that to him this looked like an individual at the lower level that knew what was happening.

Moore advised that Hercules was no longer cleaning any barges for BASF. He advised that after a citizen sent a letter to the BASF General Manager Ravi Singhani with the TNRCC notice of violation letter sent to Hercules attached, BASF decided not to send any more barges there to be cleaned until they determined if it would be done in compliance with environmental rules and regulations. He advised that BASF did let Hercules continue cleaning other than cyclohexane barges after the discovery of the problem with this activity, but that this had been discontinued.

Lynch asked to review the previously requested records. Moore advised that Mark Hanna had all the 1996 and 1997 invoices and back up documents from Hercules to BASF concerning barges cleaned by Hercules for BASF. Peters left to retrieve the records. Lynch asked Moore why

Hanna had these documents at his desk. Moore advised that Kriselle Nielsen, Hanna's boss, had instructed Hanna to do a cost comparison between barge cleaning and mechanical repair at Hercules versus Texas Barge and Boat. Lynch asked if Hanna was in his office and Moore advised that Hanna was attending a staff meeting with Nielsen on Moore's behalf.

Peters returned with the Hercules documents. Peters advised that BASF was no longer sending barges to Hercules. Lynch asked Peters if he was sure BASF was no longer sending barges to Hercules. Peters advised that Hercules had done some deballasting for BASF. Lynch asked Peters what Hercules did with the ballast water they removed from BASF barges. He advised that they placed it into tanks and reused it.

Peters advised that about 98% of the BASF barge traffic is in cyclohexane use. Peters advised that BASF hires Caleb Brett to inspect all BASF barges cleaned or repaired at Hercules. He advised that Caleb Brett does not inspect BASF barges that are only scheduled for deballasting at Hercules.

Lynch reviewed Hercules invoices with Peters and the following barges were determined to be BASF barges from which Hercules stripped, or removed, and cleaned cyclohexane (See **attachment 1 - Hercules Documents**):

	Cleaning Date	Barge Number	Hercules Job#	BASF Invoice#	BASF Approval Signature
1.	11-30-96	ETT110	5318	3683	Roberts Peters
2.	12-6-96	ETT112	5327	3692	none
3.	12-17-96	ETT115	5334	3699	none
4.	1-10-97	ETT112	5359	3730	none
5.	2-9-97	ETT110	5396	3762	none
6.	2-18-97	ETT115	5402	3768	none
7.	2-22-97	ETT113	5405	3771	none
8.	3-6-97	ETT114	5430	3796	none
		ETT112			
9.	4-21-97	ETT112	5488	3853	none
10.	4-23-97	ETT113	5494	3859	none
11.	4-27-97	ETT112	5497		none

Lynch reviewed the BASF Cyclohexane Schedule provided by Peters (See **Attachment 2- BASF Cyclohexane Schedule**). This document shows the dates the barges carried cyclohexane and the date unloaded as noted below:

	Barge Number	Date unloaded
1.	ETT110	11-22-96
2.	ETT112	12-5-96
3.	ETT115	12-14-96
4.	ETT112	1-9-97
5.	ETT110	2-9-97
6.	ETT115	2-16-97
7.	ETT113	2-21-97
8.	ETT112	3-5-97
9.	ETT114	3-4-97
10.	ETT112	4-19-97
11.	ETT113	4-22-97
12.	ETT112	4-25-97
13.	ETT113	5-3-97

Lynch asked for and Peters provided a copy of a material safety data sheet (MSDS) that would have been provided to Hercules (See **attachment 3 - cyclohexane MSDS**).

Lynch asked Peters for copies of any work requests he faxed to Hercules concerning cyclohexane barges to be cleaned for BASF. Peters provided documents entitled BASF Barge Schedules For Hercules which show the following (See **attachment 4 - BASF Work Requests**):

Date	Barge Number	Material Last Contained on Barge	Job Request
1-10-97	ETT112	Cyclohexane	Strip and blow dry
3-6-97	ETT114	Not indicated	Repairs
	ETT112	Not indicated	Strip and blow dry

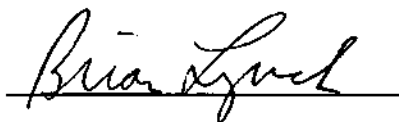
Lynch asked Peters for copies of the BASF Barge Schedule. Peters provided copies of the documents which show the following (See **attachment 5 - BASF Barge Schedule**):

Date	Barge Number	Material	Activity
11-27-96	ETT110	Empty (Cyclohexane)	Hold
12-5-96	ETT112	Empty(Cyclohexane)	Take to Hercules for deballasting

12-6-96	ETT112	Empty	At Hercules being repaired
12-16-96	ETT112	Empty	Being repaired
12-16-96	ETT115	Empty (Cyclohexane)	Take to Hercules to be cleaned
1-10-97	ETT112	Empty	At Hercules being cleaned
2-7-97	ETT110	Loaded (Citgo)	Enroute to Freeport, discharge Saturday
2-18-97	ETT115	Empty	En route to Hercules Strip and blow dry
2-21-97	ETT113	Discharging (Phillips)	Take barge to Hercules preparation for USCG COI Monday
2-24-97	ETT113	Empty(Cyclohexane)	At Hercules USCG certificate of inspection
3-5-97	ETT114	Empty(Cyclohexane)	Will take to Hercules for repairs Thursday
	ETT112	Loaded (Citgo)	After discharge take to Hercules to be cleaned
3-6-97	ETT114	Empty (Cyclohexane)	At Hercules minor repairs
	ETT112	Empty (Cyclohexane)	Being stripped and blown dry
4-21-97	ETT112	Empty(Cyclohexane)	At Hercules being repaired
4-23-97	ETT113	Empty(Cyclohexane)	Take to Hercules for strip and blow dry
4-28-97	ETT112	Empty(Cyclohexane)	At Hercules being repaired
4-5-97	ETT113	Empty	At Hercules being cleaned
5-6-97	ETT113	Empty (Cyclohexane)	At Texas Barge being cleaned

Peters provided a document entitled "Barge Cleaning" which shows the prescribed methods of cleaning for barges depending on the last cargo they carried (See **attachment 6**). The document shows that the BASF barge cleaning procedure to remove cyclohexane was "strip, blow, and dry".

Signed:



Date prepared:

September 12, 1997

Case: Hercules ✓  
Case Number: CR-FY97-058  
Person Interviewed: Mickey Wayne Tiner, President  
Texas Boat and Barge  
TNRCC Office: Region 12 - Houston  
Location: telephonic  
Date/Time: September 12, 1997 / 11:00 am

On September 12, 1997 TNRCC Special Investigator Brian Lynch interviewed Mickey Tiner by calling him at the Texas Boat and Barge (TBB) office telephone number 409/233-5539. The TBB office is located at 4115 East Flood Gate Road, Freeport, Brazoria County, Texas.

Lynch advised Tiner that BASF Purchasing Agent Bob Engman had told Lynch that Tiner told Engman Hercules was cleaning BASF barges with out a vapor control system. Lynch asked Tiner about conversations Tiner had with BASF personnel concerning barge cleaning and air compliance issues. Tiner advised that BASF Purchasing Agent Bob Engman called him because Chuck Glen gave Engman Tiner's name as a person who could provide barge service. Tiner advised that Glen had been involved with BASF on a new barge they were having built known at BASF as The Mule.

Tiner advised that when he first talked to Engman it was after the November 15, 1996, barge degassing regulations compliance deadline. He advised that he let Engman know he was not happy that BASF used Hercules Marine Services Corporation (Hercules) for barge service instead of TBB. Tiner advised that he told Engman Hercules was cleaning barges without a vapor control system. Tiner said that exactly what he told Engman was "I guess Mark Hanna will lose his incentive bonus". Tiner then said that he also told Engman "I'm surprised the President of BASF doesn't turn him lose". Tiner advised that the context in which he said these things to Engman was during his discussion about Hanna sending barges to Hercules when they did not have a vapor recovery system and were cleaning barges illegally.

Tiner advised that Engman told him that the Engineering Department at BASF was trying to gain control at BASF from blue collar workers who were mishandling business arrangements.

Tiner advised that several weeks later, after the telephone conversation, he went to lunch with Engman at the Windswept Restaurant in Oyster Creek, Brazoria County, Texas. Tiner advised that he picked up Engman and took him to lunch. Tiner advised during this meeting Engman told him BASF was trying to overcome the "lone cowboy stuff" of the blue collar people at BASF

handling business instead of letting purchasing and engineering handle these matters. Tiner advised that he understood BASF was trying to accomplish this change to avoid getting into binds like they were in with Hercules now.

Tiner advised that Engman told him BASF Purchasing and Engineering personnel did not like the way Mark Hanna and Robert Peters had the Hercules business arrangement set up. Tiner said that Engman told him he would go back to BASF and see what he could do about getting TBB a blanket contract to provide barge service to give BASF another option on barge services. ✓

Tiner advised that he had a second lunch meeting with Engman about four to six weeks after the first lunch meeting. Tiner advised that during this second meeting he told Engman that he knew Hanna did not like him (Tiner). Tiner said that Engman acknowledged that this was correct. Tiner said that he discussed with Engman his concern that Hanna was still sending barges to Hercules to be cleaned even though they were doing it illegally. ✓

Tiner advised that after the second lunch meeting, Engman arranged for Tiner to get a master agreement between BASF and TBB. Tiner advised that Engman told him he was working on getting a preferred vendor status for TBB. )

Lynch asked Tiner if Engman seemed concerned about what Robert Peters and Mark Hanna were doing in regards to the business arrangement with Hercules. Tiner said yes, Engman was concerned and that Engman told him he was going through procedures at BASF to correct the problem.

Signed:

*Brian Lynch*

Date prepared:

October 9, 1997



Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Eric Moore  
Marine Chemist

TNRCC Office: Region 12 - Houston

Location: telephonic

Date/Time: September 15, 1997 / 2:00 pm

On September 15, 1997 TNRCC Special Investigator Brian Lynch interviewed Eric Moore by telephone. Lynch telephoned Moore's answering service at 713/724-7955 and they paged Moore who then called Lynch at his TNRCC Region 12 office.

Lynch asked Moore if he provided services to Hercules Marine Services Corporation (Hercules) in Freeport, Brazoria County, Texas. Moore advised that he was a marine chemist and that he provided marine chemist services to Hercules. Moore advised that his services involve health and safety issues. He said that he is hired to check atmospheric conditions inside tanks of barges after they have been cleaned at Hercules to determine if it is safe to weld and if it is safe for workers to breath inside and around the barge tanks. He advised the concern he looks at is for fire and explosion dangers that could be caused by welding if flammable chemicals have not been adequately removed from the barge tank. He advised that the other concern he looks at is the concentration in the barge tank atmosphere of the chemical last contained in the barge tank to determine the chemical exposure health risk for workers on the barges he inspects at Hercules.

Moore advised that he completes a Marine Chemist Certificate to document that he has inspected the barge for the safety concerns described above. He advised that this certificate is an official Fire Protection Association document that is recognized by the United States Coast Guard and in the Federal Code of Regulations. He advised that there is a "three cargo rule" that is addressed on the certificate. He advised the three cargo rule came about because of past history of explosions when it was not know what had last been in a tank that was having hot work or welding done on it. Moore advised that "three cargo "rule also was developed with a health stand point in mind.

Lynch advised Moore that he was reviewing Marine Chemist Certificate Serial Number H34519 that appeared to have been prepared by Moore and that addressed atmospheric test for oxygen and volatile organic compounds on a barge tank. Moore advised that he had completed such forms on Hercules jobs before. Lynch asked Moore if the name Larry was written on this document as the Survey Requestor who would this person be. Moore advised that Larry at

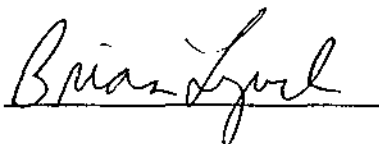
Hercules was Larry Ballinger the Hercules Shipyard Manager. Lynch asked Moore if Ballinger was ever the person who told him what the last cargo on a barge was. Moore advised that Ballinger sometimes did provide this information to Moore. Moore advised that usually the person who countersigned the certificate was who told him what the last three cargoes on the barge had been.

Lynch asked Moore if, as a Marine Chemist, he had any concerns if someone gave him false information for the last three cargoes held on a barge. Moore said that if he was provided the wrong information concerning the last three cargoes contained on a barge, this posed a safety risk. He explained that he sometimes checks the barge tank atmospheres with a dragger tube that only detects specific compounds. Moore explained that if he had been told the wrong information about the last cargo on a barge, he may use the wrong type of dragger tube causing the actual chemical last contained on the barge to go undetected.

Lynch asked Moore who he knew Juan to be at Hercules. Moore advised that Juan at Hercules would be Juan Rivera. He said that Rivera was nicknamed Johnny. Moore advised that "Cavo" is a nickname by which Claudio Duarte is known. Moore advised that Duarte is the foreman at Hercules and that Rivera probably could be a foreman because he knows what is going on at Hercules.

Moore advised that Larry Ballinger ran the Hercules shipyard.

Signed:



Date prepared:

October 9, 1997

Survey Requested by LARRY Date 21 APR 97  
 Vessel ETT-112 Vessel Owner or Agent HERCULES  
 Type of Vessel TANK BARGE Specific Location of Vessel HERCULES  
 Last Three (3) Cargoes BUTANE Tests Performed LEL-O<sub>2</sub> - VISUAL Time Survey Complete 18:00

CARGO TANKS No 1, 2 &amp; 3

WING TANKS No 1, 2, 3 &amp; 4 - PORT

+ STRENGTH

SAFE FOR WORKERS

SAFE FOR HOTWORK

BOW RAKE

STEAM BOX

Job # 4-5788  
 Check # 803 gm  
 \$300.00

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

**QUALIFICATIONS:** Movement of vessels from original location, transfer of ballast, or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or release of Certificate for the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

**STANDARD SAFETY DESIGNATIONS** (partial list, paraphrased from NFPA 306 Subsections 2-3.1 through 2-3.5, and Subsection 6-3.2)

**SAFE FOR WORKERS:** Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume, and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

**NOT SAFE FOR WORKERS:** Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

**ENTER WITH RESTRICTIONS:** Means that in any compartment or space so designated, entry for work may be made only if conditions of proper protective equipment, clothing, and time are as specified.

**SAFE FOR HOT WORK:** Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate, and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or tube of tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.

**NOT SAFE FOR HOT WORK:** Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

**SAFE FOR REPAIR YARD ENTRY:** Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

**CHEMIST'S ENDORSEMENT:** This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

The undersigned acknowledges receipt of this Certificate under Section 2-6 of NFPA 306 and understands conditions and limitations under which it was issued.

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and issued subject to compliance with all qualifications and instructions.

Signed PAULINA DUCAS

Signed Paulina Ducas

Certified 18:00

NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS

MARINE CHEMIST CERTIFICATE  
SERIAL NO. G 78952

Survey Performed by JUAN Vessel Owner or Agent HEACULES Date 7 MAR 97  
Vessel ETT-114 Type of Vessel TANK BARGE Specific Location of Vessel HEACULES  
Last Three (3) Cargoes CYCLOHEXANE Tests Performed LEI-0 - PID - VISUAL Time Survey Completed 07:30

CARGO TANKS No 1, 2 & 3  
WING TANKS No 1, 2, 3 & 4 - PORT SAFE FOR WORKERS  
5 - STARBOARD SAFE FOR HOTWORK  
BOW RAKE  
STERN BOX

ATMOSPHERIC TEST 20.8% O<sub>2</sub>  
0% LEL  
PID - 0 PPM H<sub>2</sub>C

*Check 78952*  
3-5430

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist

**QUALIFICATIONS:** Movement of vessels from original location, transfer of ballast, or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or release of Certificate for the space as affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

**STANDARD SAFETY DESIGNATIONS** (partial list, paraphrased from NFPA 308 Subsections 2-3.1 through 2-3.5, and Subsection 6-3.2)

**SAFE FOR WORKERS:** Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that (b) toxic materials in the atmosphere are within permissible concentrations; and that (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

**NOT SAFE FOR WORKERS:** Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

**ENTER WITH RESTRICTIONS:** Means that in any compartment or space so designated, entry for work may be made only if conditions of proper protective equipment, clothing, and time are as specified.

**SAFE FOR HOTWORK:** Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of named spaces or where external hot work is to be performed; and that (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire; and while maintained as directed on the Marine Chemist's Certificate; and further, that (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted; or, in the case of fuel tanks or tube of tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.

**NOT SAFE FOR HOTWORK:** Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

**SAFE FOR REPAIR YARD ENTRY:** Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit; or (b) are inerted.

**CHEMIST'S ENDORSEMENT:** This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 308 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

The undersigned acknowledges receipt of this Certificate under Section 2-4 of NFPA 308 and understands conditions and limitations under which it was issued.

This Certificate is based on information existing at the time the inspection herein set forth was completed and is issued subject to compliance with all applicable laws and regulations.

Signed \_\_\_\_\_ Date \_\_\_\_\_ Signed \_\_\_\_\_ Date \_\_\_\_\_

**NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS**

Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Robert P. Engman, BASF Purchasing Agent

TNRCC Office: Region 12 - Houston

Location:

Date/Time: September 16, 1997 / 6:05 pm

On September 16, 1997, TNRCC Special Investigator (SI) Brian Lynch re-interviewed Robert Engman at his residence on  Lynch advised Engman that he wanted to ask additional questions concerning discussions he said he had with Mickey Tiner at Texas Boat and Barge (TBB) about Hercules Marine Services Corporation (Hercules) cleaning barges for BASF without the required vapor control system during a previous interview conducted by Lynch on September 9, 1997. Engman said he was willing to answer such questions.

Engman advised that Chuck Glen told him about Mikey Tiner and TBB. Engman advised that Glen had been involved with a new barge being built for BASF known as "The Mule". Engman advised that Glen told him that the TBB location would lessen the problems that were experienced at Hercules due to odor complaints from neighbors that lived near Hercules.

Engman advised that he telephoned Mickey Tiner before Christmas 1996. He advised that Tiner almost hung up on him and that Tiner was mad at Glen and BASF. Engman advised that he and Tiner agreed to meet at a later date. He advised that he and Tiner also talked after Christmas.

Engman said that he and Tiner went to lunch at Windswept Restaurant in Oyster Creek, Brazoria County, Texas. He advised that Tiner expressed concerns for uncontrolled air emissions and waste water dumping at Hercules. Engman said that he went back to BASF and talked to Mark Hanna and discussed the problems about which Tiner told him. Engman advised that Hanna had been the lead guy at BASF on wanting to use Hercules.

Lynch asked Engman what it meant to him when Tiner told him that Hercules did not have a flare. Engman said that Hercules not having a flare meant that Hercules was letting emissions from cleaning the barges go to the atmosphere. Engman said that he told Hanna what Tiner told him about Hercules letting barge cleaning emissions go to the atmosphere. Engman said that Hanna told him that this activity was "grand fathered".

Engman advised that he did go to lunch twice with Tiner. He advised that the second time they

met was quite a while later. He advised that when they met the second time TBB did not yet have a blanket purchase order with BASF. He advised that he recalled it was raining the second time they went to lunch. Engman advised that during the second meeting Tiner seemed very discouraged that he was putting money to install required technology while the TNRCC was not enforcing the rules that required the technology he installed to control emissions from cleaning barges. Engman said that Tiner told him that Hercules and other barge cleaning companies in the area were not installing the required emission control devices.

Engman advised that he met with Hanna and told him that they needed to look at the regulations and see where they should take BASF barges to be cleaned. Engman advised that he told Hanna BASF needed to be sending their barges to cleaning facilities that are operating in compliance with the regulations.

Engman then advised that it was obvious that there was work going on in the barge cleaning industry. Engman explained that Trinity Platzter was building "The Mule" and he observed when he was there that Platzter was putting in an emission control device.

Lynch asked Engman if he discussed the Hercules problems with BASF Environmental Manager Bobby Atkins. He advised that he did talk to Atkins about the waste water dumping at Hercules. Engman said that Atkins response was that the waste water was Hercules' waste not BASF's as long as the barges were RCRA empty when they left BASF.

Lynch asked Engman if he made Robert Peters aware of the emission control requirements not being met at Hercules. Engman advised that Peters was probably aware of the emission control requirements in general because he had been at Platzter when Neal Platzter discussed having to install a flare and other up grades because of a regulation change. Engman advised that he was at Platzter with Peters several time during the time period of April 1996, until April 1997.

Engman advised that Chris Nielsen is the Freeport Procurement Service Director over Accounting, Purchasing, Logistics, and Computer Services at BASF. He advised that Hanna reports to Bubba Moore, Logistics Manager, and Moore reports to Nielsen.

Engman advised that Hanna and Peters work together a lot. He said that quite often Peters goes into Hanna's office. He advised that Peters and Hanna seem to work together on a daily basis.

Engman advised that when Hanna told him that the emission controls were not required at Hercules he seemed to know what he was talking about. Engman advised that when he had this discussion with Hanna it was after the first lunch meeting with Tiner and before Hercules was discovered to be illegally cleaning barges in violation of the air rules. He advised that he had this discussion with Hanna in about the February to March 1997 time frame.

Lynch asked Engman if Peters or Hanna acted surprised when Hercules got caught by the TNRCC illegally cleaning barges. He advise that Peters said he was surprised that there was a

problem with cleaning those barges and surprised that Hercules was not able to do it. Lynch asked Engman if he took an "I told you so" attitude with Hanna. Engman said "Yeah, a little bit". Lynch asked Engman what did Hanna say when Hercules got caught. Engman advised that he sat down with Peters and Hanna to talk about where to send the cyclohexane barges since Hercules could no longer clean them. He advised that they had this meeting the day that Hercules was caught. Engman advised that Hanna said that Larry Ballinger had misled him. Suddenly Larry Ballinger was gone. Peters and Hanna came to Engman and said we need a new vendor. Engman advised that while he met with Peters and Hanna they made a conference call on the speaker phone to the lady Office Manager at Hercules and asked for Ballinger. Engman advised that they had been put off about three or four times. He advised that finally this lady said Ballinger had packed up his stuff and left Hercules.

Engman advised that Hanna and Peters told him they thought the TNRCC inspection was routine, but after the call that Hercules could not clean any more cyclohexane barges, and Ballinger departing Hercules, it looked like something with the cyclohexane barge cleaning by Hercules was wrong. Engman advised that Hanna and Peters were asking where could they go that has the proper control devices.

Engman advised that Hanna seemed surprised that Hercules could not clean the cyclohexane barges. Lynch asked Engman if he was surprised. Engman said "yeah, I believed Hanna".

Signed:



Date prepared:

October 9, 1997

Case: Hercules  
Case Number: CR-FY97-058  
Person Interviewed: Chris Nielsen, BASF Freeport Procurement Service Director  
TNRCC Office: Region 12 - Houston  
Location: telephonic  
Date/Time: September 18, 1997 / 5:30 pm

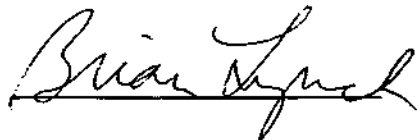
On September 18, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed Chris Nielsen telephonically. Lynch was paged and he returned the page by calling 409/238-6123. Nielsen answered the telephone at this BASF number.

Ms. Nielsen told Lynch that she had not set in on previous interviews prior to the Mark Hanna interview, but after hearing this interview she was concerned with the direction of the questions she heard. Nielsen advised that she spoke to Bob Engman and he told her that Micky Tiner of Texas Boat and Barge told him they built a flare, existing guys don't have to have a flare, and this created an unfair advantage to existing barge cleaning facilities, but that he would be ready with his flare in place. Nielsen said that if the investigation was leading to BASF she needed to know.

Lynch reminded Nielsen that he told her up front, the first thing, that he had received information that Mark Hanna had been told Hercules did not have the required vapor control system in place by Mickey Tiner and Bob Engman. Lynch advised Nielsen that he would follow the facts of the case wherever they lead in the investigation. Lynch told Nielsen that cooperation on the part of BASF was purely voluntary and that he respected their right to not provide documents if they did not wish to do so. Lynch also told Nielsen if BASF employees did not wish to talk to Lynch that was up to them. Nielsen indicated she understood and told Lynch he could come to BASF the following day to pick up documents that had been requested.

Nielsen advised that Engman told her Tiner was trying to make a sales pitch, saying that it was unfair that existing barge cleaning facilities did not have to install controls when new facilities did. She advised that both Engman and Hanna told her they did not feel Tiner was trying to warn them about Hercules.

Signed:



Date prepared:

October 10, 1997



Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Mark Hanna, BASF Customer Technical Services Representative  
The following individual were present during the interview:  
Bobby Atkins, BASF Environmental Team Leader  
L. H. "Bubba" Moore, BASF Logistics Manager  
Chris Nielsen, Freeport Procurement Service Director

TNRCC Office: Region 12 - Houston

Location: BASF  
602 Copper Road  
Freeport, Texas 77541

Date/Time: September 17, 1997 / 8:55 am

On September 17, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed Mark Hanna at the BASF office on Copper Road in Freeport, Brazoria County, Texas. SI Lynch identified himself as a criminal investigator with the TNRCC. Lynch advised Hanna that he was investigating the cleaning of barges from BASF at Hercules Marine Services Corporation (Hercules) that had contained cyclohexane, that he was interested in the time period from November 1996 to present, and that he would like to ask questions concerning this matter. Hanna said, "I have nothing to hide" and answered Lynch's questions. Bobby Atkins, Hanna's supervisor Bubba Moore, and Moore's supervisor Nielsen were present during the interview. Prior to Hanna's arrival in the office where the interview was conducted, Lynch advised Atkins, Moore, and Nielsen that Mickey Tiner, owner of Texas Boat and Barge and BASF Purchasing Agent Bob Engman told Lynch that they had informed Hanna that Hercules did not have the required vapor control system in place to clean BASF barge.

Hanna advised that he had been in Robert Peters current position of Logistics Coordinator for three and one-half years prior to Peters taking the position in November 1995. Hanna advised he has been in his current position for one and one-half years.

Lynch asked Hanna why he attended the May 1997 meeting with TNRCC when they came asking to look at records concerning barges BASF sent to Hercules to be cleaned since he was no longer in Logistics. Hanna advised that he was trying to help Peters and added that he worked closely with Peters.

Lynch asked Hanna if he received a call from someone at Hercules regarding the cyclohexane barges from BASF at Hercules. Hanna responded yes, and then explained that Tom Horde called him about the situation to assess what was going on with cleaning of hexane barges. Hanna

advised that this call was after the two TNRCC ladies left, on that day, or the next day.

Lynch asked Hanna why were the two TNRCC ladies at BASF. Hanna responded that they were trying to find out about BASF activity at Hercules. Lynch asked if they told him that there had been a complaint against Hercules. Hanna said that he does not recall. Hanna then said that they told him they had been to Hercules to look at records and wanted to review BASF records to check activity.

Hanna advised that he did not receive a call from Hercules before his first meeting with the TNRCC ladies. He advised that they returned to get copies of the records they reviewed during the first meeting, but he did not see them on the second date, and that BASF Secretary Suzette Johnson provided them with the copies of records they requested.

Hanna then advised that he thought Horde called him the following day after the first TNRCC meeting. He advised that Horde was not sure of the circumstances surrounding the situation. Then Hanna advised that it may have been that he called Horde instead of Horde calling Hanna.

Hanna advised that he wanted to retrieve his day planner to review his notes to refresh his memory. Hanna returned with his day planner and located the date of May 5, 1997, where it was noted that Becky Ohler requested Hercules records for the dates February through April 1997. He advised that Ohler and the second TNRCC lady came back on May 7, 1997, to pick up the requested records.

Hanna advised that they (BASF personnel) were concerned about an interruption of business at BASF since Hercules could no longer clean cyclohexane barges. He advised that he spoke with Horde about this problem right after it came up, and one or two more times after that. Hanna advised he never spoke with Horde prior to the discovery of this problem.

Hanna advised that he usually dealt with Larry Ballinger and Jimmy Jackson at Hercules back when he was setting up the deal to use Hercules for barge service. He advised that Jackson left for a short while but was back at Hercules. He advised that he had not talked with either of them for a long while.

Lynch asked Hanna if he ever spoke with Mickey Tiner at Texas Boat and Barge (TBB). Hanna said he spoke with Tiner a long time ago. Hanna then said that the law became effective in November 1996. Lynch asked Hanna what law was he talking about and Hanna advised it was the one concerning product cleaned from barges with a vapor pressure of greater than 0.5 psi that must have vapor control. Lynch asked Hanna when did he last talk with Tiner. Hanna advised he went to the TBB when he was still in the Logistics Coordinator position, so it had to be at least one and one-half to two years ago. Hanna then said that he could not say Tiner had never called him since the time he went to TBB, but that he was sure he never spoke with Tiner after November 1996. Hanna said he just responded if Tiner called but that he did not put much attention to Tiner's calls.

Lynch asked Hanna if Tiner ever discussed vapor control requirements for barge cleaning facilities. Hanna said yes, Tiner discussed vapor control requirements at his facility as a new facility. Lynch asked Hanna if Tiner ever discussed the new law for vapor control of barge cleaning facilities with the November 1996 compliance deadline. Hanna said he does not recall if Tiner ever discussed these vapor control requirements with the November 15, 1996 compliance deadline.

Hanna advised that cyclohexane was the only chemical BASF handled by barge with a vapor pressure greater than 0.5 psi. He advised that BASF has handled cyclohexane all along.

Lynch asked Hanna if Tiner ever told him Hercules did not have a vapor control system in place. Hanna said that he does not recall that happening.

Lynch asked Hanna if Tiner ever indicated that BASF could not send certain barges to Hercules because they had no vapor control system for the barge cleaning operation. Hanna said that he does not recall that happening.

Lynch asked Hanna if he ever discussed the need for a vapor control system at Hercules with Larry Ballinger. Hanna advised that he only discussed an emission control system for acrylic acid (ester grade), butyl acrylate, and 2 ethyl-hexyl acrylate.

Lynch asked Hanna if Ballinger ever told him that Hercules had a vapor control system in place to handle volatile material. Hanna advised that he only discussed an emission control system for the three chemicals he just mentioned. Lynch then asked Hanna did anyone bring up questions about Hercules that made him wonder if they had a vapor control system. Hanna said no, he trusted Hercules to handle their business properly.

Lynch asked Hanna did BASF Purchasing Agent Bob Engman ever raise questions about Hercules not properly handling barge cleaning for BASF. Hanna said, "I don't remember any conversation to that effect". Hanna then said nothing came up that raised questions about improper cleaning practices at Hercules, no.

Lynch asked Hanna did any conversations along these lines of Hercules not having a vapor control system in place come up in 1997. Hanna responded, "no". Lynch asked Hanna if any such conversations came up in the past. Hanna responded "no".

Lynch asked Hanna if he had been to Hercules. Hanna said yes, he has been to Hercules many times and that the last time he was there was a few weeks ago. Hanna said that Ballinger was still working at Hercules part time as a consultant. Hanna advised that Robert Peters told him about Ballinger's employment arrangement with Hercules.

Lynch asked Hanna if he spoke with Ballinger when he was at Hercules recently. Hanna said that he does not recall if Ballinger was there for sure while he was there. He advised that he did

recall meeting with Jimmy Jackson at Hercules recently.

Lynch asked Hanna if he has asked Ballinger about the situation with the BASF cyclohexane barges. Hanna advised that he has kept his distance from Ballinger. He advised he has wondered about the situation, but has not pursued questioning Ballinger about it.

Lynch then asked Hanna if he was saying that he had not asked any questions about the situation with Hercules and the BASF cyclohexane barges. Hanna said that he did ask Horde and Horde told him Hercules was not to be cleaning cyclohexane barges.

Lynch asked Hanna if he ever noticed the thermal oxidizer at Hercules. Hanna said he did notice this device when he was recently at Hercules. He said that Peters pointed out the unit to him and said it would be used as the vapor control device. Lynch asked Hanna if anyone ever represented to Hanna that Hercules would use the thermal oxidizer to control emissions prior to the time Hercules was caught by the TNRCC. Hanna said no, he does not recall ever seeing it.

Signed:

Brian Lynch

Date prepared:

October 10, 1997

Case: Hercules  
Case Number: CR-FY97-058  
Person Interviewed: Chris Nielsen, BASF Freeport Procurement Service Director  
TNRCC Office: Region 12 - Houston  
Location: telephonic  
Date/Time: September 18, 1997 / 5:30 pm

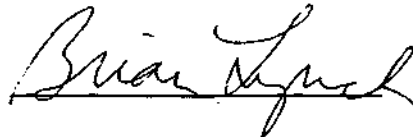
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Signed:



Date prepared:

October 10, 1997

Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Eric Moore  
Marine Chemist

TNRCC Office: Region 12 - Houston

Location: telephonic

Date/Time: September 15, 1997 / 2:00 pm

On September 15, 1997 TNRCC Special Investigator Brian Lynch interviewed Eric Moore by telephone. Lynch telephoned Moore's answering service at 713/724-7955 and they paged Moore who then called Lynch at his TNRCC Region 12 office.

Lynch asked Moore if he provided services to Hercules Marine Services Corporation (Hercules) in Freeport, Brazoria County, Texas. Moore advised that he was a marine chemist and that he provided marine chemist services to Hercules. Moore advised that his services involve health and safety issues. He said that he is hired to check atmospheric conditions inside tanks of barges after they have been cleaned at Hercules to determine if it is safe to weld and if it is safe for workers to breath inside and around the barge tanks. He advised the concern he looks at is for fire and explosion dangers that could be caused by welding if flammable chemicals have not been adequately removed from the barge tank. He advised that the other concern he looks at is the concentration in the barge tank atmosphere of the chemical last contained in the barge tank to determine the chemical exposure health risk for workers on the barges he inspects at Hercules. ✓

Moore advised that he completes a Marine Chemist Certificate to document that he has inspected the barge for the safety concerns described above. He advised that this certificate is an official Fire Protection Association document that is recognized by the United States Coast Guard and in the Federal Code of Regulations. He advised that there is a "three cargo rule" that is addressed on the certificate. He advised the three cargo rule came about because of past history of explosions when it was not know what had last been in a tank that was having hot work or welding done on it. Moore advised that "three cargo "rule also was developed with a health stand point in mind.

Lynch advised Moore that he was reviewing Marine Chemist Certificate Serial Number H34519 that appeared to have been prepared by Moore and that addressed atmospheric test for oxygen and volatile organic compounds on a barge tank. Moore advised that he had completed such forms on Hercules jobs before. Lynch asked Moore if the name Larry was written on this document as the Survey Requestor who would this person be. Moore advised that Larry at

Hercules was Larry Ballinger the Hercules Shipyard Manager. Lynch asked Moore if Ballinger was ever the person who told him what the last cargo on a barge was. Moore advised that Ballinger sometimes did provide this information to Moore. Moore advised that usually the person who countersigned the certificate was who told him what the last three cargoes on the barge had been.

Lynch asked Moore if, as a Marine Chemist, he had any concerns if someone gave him false information for the last three cargoes held on a barge. Moore said that if he was provided the wrong information concerning the last three cargoes contained on a barge, this posed a safety risk. He explained that he sometimes checks the barge tank atmospheres with a dragger tube that only detects specific compounds. Moore explained that if he had been told the wrong information about the last cargo on a barge, he may use the wrong type of dragger tube causing the actual chemical last contained on the barge to go undetected.

Lynch asked Moore who he knew Juan to be at Hercules. Moore advised that Juan at Hercules would be Juan Rivera. He said that Rivera was nicknamed Johnny. Moore advised that "Cavo" is a nickname by which Claudio Duarte is known. Moore advised that Duarte is the foreman at Hercules and that Rivera probably could be a foreman because he knows what is going on at Hercules.

Moore advised that Larry Ballinger ran the Hercules shipyard.

Signed:

Brian Lynch

Date prepared:

October 9, 1997

Requested by  
LARRYVessel Owner or Agent  
HEWESDate  
21 APR 97Vessel  
ETT-112Type of Vessel  
TANK BARGESpecific Location of Vessel  
HERCULESLast Three (3) Carbons  
BUTANOLTests Performed  
LEL-O - VISUALTime Survey Completed  
10:00

CARGO TANKS No 1, 2, 3

WING TANKS No 1, 2, 3, 4 + PORT

+ STARBOARD

SAFE FOR WORKERS

SAFE FOR HOTWORK

Bow RAKE

STEAM BOX

Job # 4-5788  
 Check # 803 gm  
 #300 00

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

**QUALIFICATIONS:** Movement of vessels from original location, transfer of ballast, or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or reissue of Certificate for the spaces so affected. All Gas, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

**STANDARD SAFETY DESIGNATIONS** (partial list, paraphrased from NFPA 306 Subsections 2-3.1 through 2-3.5, and Subsection 6-3.2)

**SAFE FOR WORKERS:** Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

**NOT SAFE FOR WORKERS:** Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

**ENTRY WITH RESTRICTIONS:** Means that in any compartment or space so designated, entry for work may be made only if conditions of proper protective equipment, clothing, and time are as specified.

**SAFE FOR HOT WORK:** Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or lube oil tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.

**NOT SAFE FOR HOT WORK:** Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

**SAFE FOR REPAIR YARD ENTRY:** Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

**CHEMIST'S ENDORSEMENT:** This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

The undersigned acknowledges receipt of this Certificate under Section 2-6 of NFPA 306 and understands conditions and limitations under which it was issued.

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all applicable regulations and instructions.

Signed CLAYTON DUGGINS

Signed [Signature]

NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS



SURVEY REQUESTED BY: JUAN  
VESSEL OWNER OR AGENT: HERCULES  
VESSEL: ETI-114  
TYPE OF VESSEL: TANK BARGE  
CARGO: CYCLOHEXANE  
LAST THREE (3) CARGOS: LEI-0 - PID - VISUAL  
DATE: 7 MAR 97  
SPECIFIC LOCATION OF VESSEL: HERCULES  
TIME SURVEY COMPLETED: 07:30

CARGO TANKS No. 1, 2, 3  
WING TANKS No. 1, 2, 3, 4 - PORT  
SAFE FOR WORKERS  
STARBOARD  
SAFE FOR HOTWORK  
BOW RAKE  
STERN BOX

ATMOSPHERIC TEST 20.8% O<sub>2</sub>  
0% LEL

PID - 0 PPM UDL

Check 1/19/97  
3-5430

**IN THE EVENT OF ANY PHYSICAL OR ATMOSPHERIC CHANGES ADVERSELY AFFECTING THE STANDARD SAFETY DESIGNATIONS ASSIGNED TO ANY OF THE ABOVE SPACES, OR IF IN ANY DOUBT, IMMEDIATELY STOP ALL WORK AND CONTACT THE UNDERSIGNED MARINE CHEMIST.**

**QUALIFICATIONS:** Movement of vessels from original location, transfer of ballast, or manipulation of valves or closure equipment leading to other conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or release of Certificate for the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed apertures shall be considered "not safe" unless otherwise specifically designated.

**STANDARD SAFETY DESIGNATIONS** (partial list, paraphrased from NFPA 306 Subsections 2-3.1 through 2-3.5, and Subsection 4-3.2)

**SAFE FOR WORKERS:** Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

**NOT SAFE FOR WORKERS:** Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

**ENTER WITH RESTRICTIONS:** Means that in any compartment or space so designated, entry for work may be made only if conditions of proper protective equipment, clothing, and time are as specified.

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**SAFE FOR REPAIR AND ENTRY:** Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

**CHEMIST'S ENDORSEMENT:** This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

I, the undersigned, acknowledge receipt of the Certificate under Section 2-4 of NFPA 306 and understand conditions and limitations under which it was issued.

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all applicable laws and regulations.

Signed \_\_\_\_\_

Signed \_\_\_\_\_

**NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS**

306-2-86

VESSEL POSTING

Printed in U.S.A.

Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: John C. Hilliard, Southwest Shipyard, L.P. President/CEO  
Sanjay Rao, Southwest Shipyard, L.P. Operations

TNRCC Office: Region 12 - Houston

Location: Southwest Shipyard, L.P.  
18310 Market Street  
Channelview, Texas 77530

Date/Time: September 24, 1997 / 11:00 am

On September 24, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed John Hilliard and Sanjay Rao in Mr. Hilliard's office at the above described location. Lynch advised Hilliard and Rao he was conducting a criminal investigation of Hercules Marine Service Corporation (Hercules) related to vapor control requirements on barge degassing activities. Hilliard and Rao indicated they were willing to talk with Lynch.

Rao advised that he began working at Southwest Shipyard (SS) in November 1996, and that from November 1, 1996 until November 14, 1996, SS received intense pressure from their customers to not install a vapor control system. He advised that the customers were reacting to information they received from other barge cleaning facilities. Rao advised other barge cleaning facilities told the customers it would take an increased amount of time to clean the barges if the vapors had to be controlled by burning them in a control device. He advised the fear of the customer was that there would be a back log at the barge cleaning docks and it would keep their barges tied up at the dock waiting to be cleaned and would cost them money.

Hilliard advised that the barge industry had lobbied the TNRCC heavily and was trying to cause the vapor control regulations to be less stringent or to be put off. He advised the barge industry wanted to stick together and if none of these businesses complied with the vapor control regulations they hoped they could cause a change in the regulations favorable to their industry. He advised that this was why SS was pressured to not install and operate their vapor control device.

Hilliard advised that the barge industry in Houston was well aware that the requirements to control vapors from cleaning and degassing barges were coming. He advised that meetings were held by the American Bureau of Shipping, the Chemical Transportation Advisory Committee associated with the United States Coast Guard (USCG), and the American Waterways Shipyards discussing the upcoming regulations on vapor control of barge degassing and cleaning operations. He advised that barge cleaning businesses are often members of these professional

organizations. Hilliard advised that originally, November 15, 1995 was going to be the compliance date for these vapor control regulations, but it was postponed until November 15, 1996, because the USCG submitted a letter to the TNRCC expressing safety concerns. Also, he advised that industry expressed concerns for time delays to clean and degas barges which the regulatory requirements would cause.

Hilliard advised that SS scrambled to have their vapor control system operational by the compliance date of November 15, 1996. However, he said they were punished by their customers for doing so. Hillard said their business dropped off drastically in the month of November 1996. He advised that Channel Shipyard and Newpark Shipyard were loaded with business at this time. Hilliard advised that SS did not see an increase in barge cleaning and degassing vapor control work, but instead saw a decrease in business overall.

Hilliard advised that there was an individual going to all the barge cleaning facilities in the Houston area trying to market mobile flares as a means of complying with the vapor control regulations. He advised that he did not believe the man had any success finding a market in the Houston area for these devices. Rao provided a copy of information the individual provided to SS. The document shows that K. Casey Youh, President of Weeco International to be the individual who was trying to market the mobile flares in Houston in November 1996 (See attached document).

Signed:

Brian Lynch

Date prepared:

September 24, 1997

WEECO

INTERNATIONAL

THE WORLD LEADER IN VOC EMISSION CONTROL & TANK DEGASSING

10: 1am 11

PTI

November 4, 1996

Via FAX to 281-860-3239

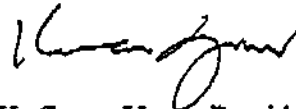
Dear Mr. Hilliard,

It was a pleasure to talk to you earlier today. I am attaching summary information on our thermal oxidizer.

As we discussed, I would like to pursue a lease arrangement under which you would be the primary user of the thermal oxidizer and WEECO an occasional user (say, once a week).

Please let me know of your thoughts. Thanks.

Sincerely yours,



K. Casey Youn, President

WEECO INTERNATIONAL  
HOUSTON, TEXAS 77057

PHONE (713) 669-1933  
FAX (713) 669-0939  
E-MAIL YOUN@RITER.COMPUTIZE.COM

pager 279-8729

# HMT THERMAL SYSTEMS, INC. THERMAL OXIDIZATION SYSTEM

## FOR TANK DEGASSING

### Design Specification Summary

- |                                   |  |
|-----------------------------------|--|
| 1. Thermal Oxidizer Model Number: | AKI 4000T  |
| 2. Type of Oxidizer:              | <u>Horizontal</u> Trailer Mounted                                    |
| 3. Manufacturer:                  | HMT Thermal Systems, Inc.<br>23834 Tomball Pkwy<br>Tomball, TX 77375 |
| 4. Serial #:                      | A3059  |

### VOC Fume Stream:

- |                                    |                         |
|------------------------------------|-------------------------|
| 5. Process Vent/Exhaust Flow Rate: | <u>1,000</u> SCFM       |
| 6. Inlet Temperature:              | Ambient                 |
| 7. VOC Composition:                | Various                 |
| 8. VOC's Destruction Capability:   | $10.0 \times 10^6$ BTUH |

### Process Design:

- |   |                        |
|---|------------------------|
| 9. Process Vent Flow:                   | 1,000 SCFM             |
| Combustion - Dilution Air:              | 3,000 SCFM             |
| Primary Air Blower                      | 100 SCFM               |
| Total Flow - System Capacity:           | 4,100 SCFM             |
| 10. Design Operating Temperature:       | <u>1400°F - 2000°F</u> |
| 11. Retention Time:                     | 0.6 second             |
| 12. Hydrocarbon Destruction Efficiency: | <u>98.0%</u> plus      |

13. Burner Capacity:  $8.5 \times 10^6$  BTUH
14. Burner Manager Systems: Honeywell
15. Gas Train Size: 2" IRI approved
16. Combustion/Dilution Air Blower Type: Buffalo Blower  
Capacity: 3000 CFM @ 8" S.P. H<sub>2</sub>O  
Motor HP: 2.0 HP, EXP
17. Vacuum Blower: Paxton  
Capacity: 1,000 CFM  
Pressure: 5" HG  
Motor HP: 15 HP, Exp

Construction:

18. Shell Construction: 3/16" Steel - Primed & Painted
19. Insulation: Cast Refractories  
Combustion Chamber Performed Refractory Tube  
After Burner
20. Trailer: 38' - 0" L X 8' - 0" W Bed Foot  
Dual Axle - 28,000lbs capacity  
Bed Height is Approximately 42" from ground level.
21. Control Panel: NEMA-4 control panel with temp controller high limit Burner Mang. Systems, Switches, and indicating lights.
22. Digital Controllers  
Temperature Controller: Honeywell UDC3000  
Combustion Air Controller: Honeywell UDC3000  
Hydrocarbon Inlet Controller: Honeywell UDC3000
23. Chart Recorder Yokogawa Model # 4156-6

**Other Major Features:**

- |   |  |
|---|--|
| 24. Flame Arrestor:   | Enardo-Flanged 8" connection 12" cell  |
| 25. Liquid Seal:  | Horizontal Liquid Seal Tank with Flanged Inlet/Outlet, Drain, Sight Glass, Quick Fill Line, Float Switch, and Bypass Isolator. Supplemental Storage Tank.  |
| 26. Safety Shutoff Valve:   | Automatic with 8" Shutoff Valve electric Actuator Interlocked with Flame Monitoring System   |
| 27. Automatic Dilution Air:   | Modulating type Valve in the Combustion Air Line Dilution Valve Interlocked with Temperature Controller. If the Oxidizer Temperature keeps rising above set point this will modulate and allow more fresh air and there by less waste gas. |
| 28. Monitoring Equipment<br>Inlet Hydrocarbon Analyzer:<br>Outlet Hydrocarbon Analyzer: | Beckman Model 880<br>Beckman Model 400A  |

**Utilities:**

- |                                 |   |
|---------------------------------|---|
| 29. Natural Gas:<br>or Propane: | 8,500 CFH (max)<br>5 psi-10 psi                       |
| 30. Power Supply:               | 480Volt 3 Phase 60HZ<br>On Board Lima 3600S Generator |

[illegible]



Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Mark Hanna, BASF Customer Technical Services Representative  
The following individual were present during the interview:  
Bobby Atkins, BASF Environmental Team Leader  
L. H. "Bubba" Moore, BASF Logistics Manager  
Chris Nielsen, Freeport Procurement Service Director

TNRCC Office: Region 12 - Houston

Location: BASF  
602 Copper Road  
Freeport, Texas 77541

Date/Time: September 17, 1997 / 8:55 am

On September 17, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed Mark Hanna at the BASF office on Copper Road in Freeport, Brazoria County, Texas. SI Lynch identified himself as a criminal investigator with the TNRCC. Lynch advised Hanna that he was investigating the cleaning of barges from BASF at Hercules Marine Services Corporation (Hercules) that had contained cyclohexane, that he was interested in the time period from November 1996 to present, and that he would like to ask questions concerning this matter. Hanna said, "I have nothing to hide" and answered Lynch's questions. Bobby Atkins, Hanna's supervisor Bubba Moore, and Moore's supervisor Nielsen were present during the interview. Prior to Hanna's arrival in the office where the interview was conducted, Lynch advised Atkins, Moore, and Nielsen that Mickey Tiner, owner of Texas Boat and Barge and BASF Purchasing Agent Bob Engman told Lynch that they had informed Hanna that Hercules did not have the required vapor control system in place to clean BASF barge.

Hanna advised that he had been in Robert Peters current position of Logistics Coordinator for three and one-half years prior to Peters taking the position in November 1995. Hanna advised he has been in his current position for one and one-half years.

Lynch asked Hanna why he attended the May 1997 meeting with TNRCC when they came asking to look at records concerning barges BASF sent to Hercules to be cleaned since he was no longer in Logistics. Hanna advised that he was trying to help Peters and added that he worked closely with Peters.

Lynch asked Hanna if he received a call from someone at Hercules regarding the cyclohexane barges from BASF at Hercules. Hanna responded yes, and then explained that Tom Horde called him about the situation to assess what was going on with cleaning of hexane barges. Hanna

advised that this call was after the two TNRCC ladies left, on that day, or the next day.

Lynch asked Hanna why were the two TNRCC ladies at BASF. Hanna responded that they were trying to find out about BASF activity at Hercules. Lynch asked if they told him that there had been a complaint against Hercules. Hanna said that he does not recall. Hanna then said that they told him they had been to Hercules to look at records and wanted to review BASF records to check activity.

Hanna advised that he did not receive a call from Hercules before his first meeting with the TNRCC ladies. He advised that they returned to get copies of the records they reviewed during the first meeting, but he did not see them on the second date, and that BASF Secretary Suzette Johnson provided them with the copies of records they requested.

Hanna then advised that he thought Horde called him the following day after the first TNRCC meeting. He advised that Horde was not sure of the circumstances surrounding the situation. Then Hanna advised that it may have been that he called Horde instead of Horde calling Hanna.

Hanna advised that he wanted to retrieve his day planner to review his notes to refresh his memory. Hanna returned with his day planner and located the date of May 5, 1997, where it was noted that Becky Ohler requested Hercules records for the dates February through April 1997. He advised that Ohler and the second TNRCC lady came back on May 7, 1997, to pick up the requested records.

Hanna advised that they (BASF personnel) were concerned about an interruption of business at BASF since Hercules could no longer clean cyclohexane barges. He advised that he spoke with Horde about this problem right after it came up, and one or two more times after that. Hanna advised he never spoke with Horde prior to the discovery of this problem.

Hanna advised that he usually dealt with Larry Ballinger and Jimmy Jackson at Hercules back when he was setting up the deal to use Hercules for barge service. He advised that Jackson left for a short while but was back at Hercules. He advised that he had not talked with either of them for a long while.

Lynch asked Hanna if he ever spoke with Mickey Tiner at Texas Boat and Barge (TBB). Hanna said he spoke with Tiner a long time ago. Hanna then said that the law became effective in November 1996. Lynch asked Hanna what law was he talking about and Hanna advised it was the one concerning product cleaned from barges with a vapor pressure of greater than 0.5 psi that must have vapor control. Lynch asked Hanna when did he last talk with Tiner. Hanna advised he went to the TBB when he was still in the Logistics Coordinator position, so it had to be at least one and one-half to two years ago. Hanna then said that he could not say Tiner had never called him since the time he went to TBB, but that he was sure he never spoke with Tiner after November 1996. Hanna said he just responded if Tiner called but that he did not put much attention to Tiner's calls.

Lynch asked Hanna if Tiner ever discussed vapor control requirements for barge cleaning facilities. Hanna said yes, Tiner discussed vapor control requirements at his facility as a new facility. Lynch asked Hanna if Tiner ever discussed the new law for vapor control of barge cleaning facilities with the November 1996 compliance deadline. Hanna said he does not recall if Tiner ever discussed these vapor control requirements with the November 15, 1996 compliance deadline.

Hanna advised that cyclohexane was the only chemical BASF handled by barge with a vapor pressure greater than 0.5 psi. He advised that BASF has handled cyclohexane all along.

Lynch asked Hanna if Tiner ever told him Hercules did not have a vapor control system in place. Hanna said that he does not recall that happening.

Lynch asked Hanna if Tiner ever indicated that BASF could not send certain barges to Hercules because they had no vapor control system for the barge cleaning operation. Hanna said that he does not recall that happening.

Lynch asked Hanna if he ever discussed the need for a vapor control system at Hercules with Larry Ballinger. Hanna advised that he only discussed an emission control system for acrylic acid (ester grade), butyl acrylate, and 2 ethyl-hexyl acrylate.

Lynch asked Hanna if Ballinger ever told him that Hercules had a vapor control system in place to handle volatile material. Hanna advised that he only discussed an emission control system for the three chemicals he just mentioned. Lynch then asked Hanna did anyone bring up questions about Hercules that made him wonder if they had a vapor control system. Hanna said no, he trusted Hercules to handle their business properly.

Lynch asked Hanna did BASF Purchasing Agent Bob Engman ever raise questions about Hercules not properly handling barge cleaning for BASF. Hanna said, "I don't remember any conversation to that effect". Hanna then said nothing came up that raised questions about improper cleaning practices at Hercules, no.

Lynch asked Hanna did any conversations along these lines of Hercules not having a vapor control system in place come up in 1997. Hanna responded, "no". Lynch asked Hanna if any such conversations came up in the past. Hanna responded "no".

Lynch asked Hanna if he had been to Hercules. Hanna said yes, he has been to Hercules many times and that the last time he was there was a few weeks ago. Hanna said that Ballinger was still working at Hercules part time as a consultant. Hanna advised that Robert Peters told him about Ballinger's employment arrangement with Hercules.

Lynch asked Hanna if he spoke with Ballinger when he was at Hercules recently. Hanna said that he does not recall if Ballinger was there for sure while he was there. He advised that he did

recall meeting with Jimmy Jackson at Hercules recently.

Lynch asked Hanna if he has asked Ballinger about the situation with the BASF cyclohexane barges. Hanna advised that he has kept his distance from Ballinger. He advised he has wondered about the situation, but has not pursued questioning Ballinger about it.

Lynch then asked Hanna if he was saying that he had not asked any questions about the situation with Hercules and the BASF cyclohexane barges. Hanna said that he did ask Horde and Horde told him Hercules was not to be cleaning cyclohexane barges.

Lynch asked Hanna if he ever noticed the thermal oxidizer at Hercules. Hanna said he did notice this device when he was recently at Hercules. He said that Peters pointed out the unit to him and said it would be used as the vapor control device. Lynch asked Hanna if anyone ever represented to Hanna that Hercules would use the thermal oxidizer to control emissions prior to the time Hercules was caught by the TNRCC. Hanna said no, he does not recall ever seeing it.

Signed:

A handwritten signature in cursive script, appearing to read "Brian Lynch", is written over a horizontal line.

Date prepared:

October 10, 1997

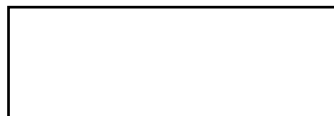
Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Dr. Harry M. Walker  
Environmental Consultant

TNRCC Office: Region 12 - Houston

Location:

A rectangular box with a black border, used to redact location information.

Date/Time: September 24, 1997 / 9:00 am

On September 24, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed Dr. Harry M. Walker in his office at his residence at the above described location. Lynch advised Walker he was conducting a criminal investigation of Hercules Marine Service Corporation (Hercules) related to vapor control requirements on barge degassing activities. Walker indicated he was willing to talk with Lynch.

Walker advised that he had been hired by Hercules to submit an air permit application for their facility in Freeport in about 1994. He advised he told Hercules representatives what would be required for them to do to be able to obtain the permit. He advised that he submitted a permit application for Hercules. Walker advised Hercules decided they could not obtain the permit. He advised that this occurred about two years before the November 1996 compliance date for the regulations on degassing or cleaning of stationary, marine, and transport vessels. Walker advised that Hercules decided they could continue to operate as they always had without a permit until the November 1996 compliance date. He advised the reason they made this decision was because they were practically out of the barge cleaning business anyway.

Walker advised that initially in about 1994 he dealt with Jessie Camacho who was in charge of field activities at Hercules and he dealt with an office manager named Sylvia (LNU) concerning office matters. He advised that he met once with Tom Horde and Tom Seward in the 1994-1995 time frame. Walker recalled that in the meeting with Horde and Seward he told them in general what was needed to get a system in place to comply with the upcoming vapor control requirements by November 1996. He advised that when he met with these two they were committed to the purchase of a thermal oxidizer as the vapor control device they would use. Walker advised that his understanding was the Horde and Seward were mainly concerned with the Hercules Offshore business.

Walker advised that around the time of the November 1996 compliance date, Hercules came back to him and wanted to finalize the permit which he had initially worked on in 1994. He advised he believed it was Larry Ballinger who contacted him at this time. Walker advised that

he reopened contact with TNRCC and had to resubmit the permit application because so much time had passed since the original submission. He advised that he encountered problems working out technical details on the application with TNRCC Air Permit Engineer Kate Hauer. Walker advised that after he had started back working on the permit application for the thermal oxidizer vapor control system he received a telephone call from Kate Hauer telling him that TNRCC interpretation of the rules did not require a construction permit for the thermal oxidizer vapor control system because it only involved abatement of emissions. He advised that he then worked on submission of the Standard Permit Application for Hercules. He advised that he had to get Tom Horde to sign the application as an officer of the corporation, but that he did not discuss the permit with Horde. He advised that TNRCC approval of the Standard Permit allowed Hercules to go forward with the installation of the thermal oxidizer vapor control system.

Walker advised that during this time in late 1996, in had conversations with Larry Ballinger and he went to the Hercules facility. He advised at that time during his discussions with Ballinger he told Ballinger that Hercules could not remove material with vapor pressure greater than 0.5 psia until after the vapor control system was working. Walker advised at that time Ballinger told him he had purchased or was about to purchase the 18 inch pipe needed to hook up the thermal oxidizer. Walker advised he did not think Hercules had faced up to the purchase of a major blower that had to be purchased for the vapor control system. Also, Walker said they had not yet constructed the concrete slab where the thermal oxidizer would be located when he was at Hercules in late 1996. He advised the unit was still sitting on timbers at the facility when he was last there. ✓

Walker advised that in late 1996 he offered to work on any engineering changes that might be needed, but Hercules did not take him up on his offer. He advised that he did not recommend material with a high vapor pressure such as benzene or cyclohexane to be handled by the thermal oxidizer. He advised that air dilution would be required to avoid explosive atmosphere in the system and so it would take several days to degas a barge which had contained such materials. ✓

Walker advised that cyclohexane was important to Hercules all along because they cleaned a lot of barges that had contained this material. He advised the thermal oxidizer system was not good for handling cyclohexane unless one wanted to take about three days to burn it off. He advised it would be slow and would cost fuel. He advised that he submitted a written document to Hercules which listed chemicals they could process in the thermal oxidizer easily and which listed chemicals that would take time to process and be infeasible for them to handle.

Walker said that he has not been in contact with anyone from Hercules for several months. He advised that Hercules always paid their bill but were slow in paying.

Signed:

Brian Lynel

Date prepared:

September 24, 1997

Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: John C. Hilliard, Southwest Shipyard, L.P. President/CEO  
Sanjay Rao, Southwest Shipyard, L.P. Operations

TNRCC Office: Region 12 - Houston

Location: Southwest Shipyard, L.P.  
18310 Market Street  
Channelview, Texas 77530

Date/Time: September 24, 1997 / 11:00 am

On September 24, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed John Hilliard and Sanjay Rao in Mr. Hilliard's office at the above described location. Lynch advised Hilliard and Rao he was conducting a criminal investigation of Hercules Marine Service Corporation (Hercules) related to vapor control requirements on barge degassing activities. Hilliard and Rao indicated they were willing to talk with Lynch.

Rao advised that he began working at Southwest Shipyard (SS) in November 1996, and that from November 1, 1996 until November 14, 1996, SS received intense pressure from their customers to not install a vapor control system. He advised that the customers were reacting to information they received from other barge cleaning facilities. Rao advised other barge cleaning facilities told the customers it would take an increased amount of time to clean the barges if the vapors had to be controlled by burning them in a control device. He advised the fear of the customer was that there would be a back log at the barge cleaning docks and it would keep their barges tied up at the dock waiting to be cleaned and would cost them money.

Hilliard advised that the barge industry had lobbied the TNRCC heavily and was trying to cause the vapor control regulations to be less stringent or to be put off. He advised the barge industry wanted to stick together and if none of these businesses complied with the vapor control regulations they hoped they could cause a change in the regulations favorable to their industry. He advised that this was why SS was pressured to not install and operate their vapor control device.

Hilliard advised that the barge industry in Houston was well aware that the requirements to control vapors from cleaning and degassing barges were coming. He advised that meetings were held by the American Bureau of Shipping, the Chemical Transportation Advisory Committee associated with the United States Coast Guard (USCG), and the American Waterways Shipyards discussing the upcoming regulations on vapor control of barge degassing and cleaning operations. He advised that barge cleaning businesses are often members of these professional

organizations. Hilliard advised that originally, November 15, 1995 was going to be the compliance date for these vapor control regulations, but it was postponed until November 15, 1996, because the USCG submitted a letter to the TNRCC expressing safety concerns. Also, he advised that industry expressed concerns for time delays to clean and degas barges which the regulatory requirements would cause.

Hilliard advised that SS scrambled to have their vapor control system operational by the compliance date of November 15, 1996. However, he said they were punished by their customers for doing so. Hillard said their business dropped off drastically in the month of November 1996. He advised that Channel Shipyard and Newpark Shipyard were loaded with business at this time. Hilliard advised that SS did not see an increase in barge cleaning and degassing vapor control work, but instead saw a decrease in business overall.

Hilliard advised that there was an individual going to all the barge cleaning facilities in the Houston area trying to market mobile flares as a means of complying with the vapor control regulations. He advised that he did not believe the man had any success finding a market in the Houston area for these devices. Rao provided a copy of information the individual provided to SS. The document shows that K. Casey Youh, President of Weeco International to be the individual who was trying to market the mobile flares in Houston in November 1996 (See attached document).

Signed:

Brian Lynch

Date prepared:

September 24, 1997



**WEECO**

**INTERNATIONAL**

THE WORLD LEADER IN VOC EMISSION CONTROL & TANK DEGASSING

(2: 11/11/96  
FPI

November 4, 1996

Via FAX to 281-860-3239

Dear Mr. Hilliard,

It was a pleasure to talk to you earlier today. I am attaching summary information on our thermal oxidizer.

As we discussed, I would like to pursue a lease arrangement under which you would be the primary user of the thermal oxidizer and WEECO an occasional user (say, once a week).

Please let me know of your thoughts. Thanks.

Sincerely yours,



K. Casey Yount, President

FOR OFFICIAL USE ONLY  
NO. 10-10-10  
10-10-10

PHONE (713) 669-1933  
FAX (713) 669-0939  
E-MAIL YOUN@RITER.COMPUTIZE.COM

pager 279-8729

**HMT THERMAL SYSTEMS, INC.  
THERMAL OXIDIZATION SYSTEM**

**FOR  
TANK DEGASSING**

**Design Specification Summary**

- |                                   |  |
|-----------------------------------|--|
| 1. Thermal Oxidizer Model Number: | AKI 4000T  |
| 2. Type of Oxidizer:              | <u>Horizontal</u> Trailer Mounted                                    |
| 3. Manufacturer:                  | HMT Thermal Systems, Inc.<br>23834 Tomball Pkwy<br>Tomball, TX 77375 |
| 4. Serial #:                      | A3059  |

**VOC Fume Stream:**

- |                                    |                             |
|------------------------------------|-----------------------------|
| 5. Process Vent/Exhaust Flow Rate: | <u>1,000</u> SCFM           |
| 6. Inlet Temperature:              | Ambient                     |
| 7. VOC Composition:                | Various                     |
| 8. VOC's Destruction Capability:   | 10.0 x 10 <sup>6</sup> BTUH |

**Process Design:**

- |   |                        |
|---|------------------------|
| 9. Process Vent Flow:                   | 1,000 SCFM             |
| Combustion - Dilution Air:              | 3,000 SCFM             |
| Primary Air Blower                      | 100 SCFM               |
| Total Flow - System Capacity:           | 4,100 SCFM             |
| 10. Design Operating Temperature:       | <u>1400°F - 2000°F</u> |
| 11. Retention Time:                     | 0.6 second             |
| 12. Hydrocarbon Destruction Efficiency: | <u>98.0%</u> plus      |

13. Burner Capacity:  $8.5 \times 10^6$  BTUH
14. Burner Manager Systems: Honeywell
15. Gas Train Size: 2" IRI approved
16. Combustion/Dilution Air  
Blower Type: Buffalo Blower  
Capacity: 3000 CFM @ 8" S.P. H<sub>2</sub>O  
Motor HP: 2.0 HP, EXP
17. Vacuum Blower: Paxton  
Capacity: 1,000 CFM  
Pressure: 5" HG  
Motor HP: 15 HP, Exp

Construction:

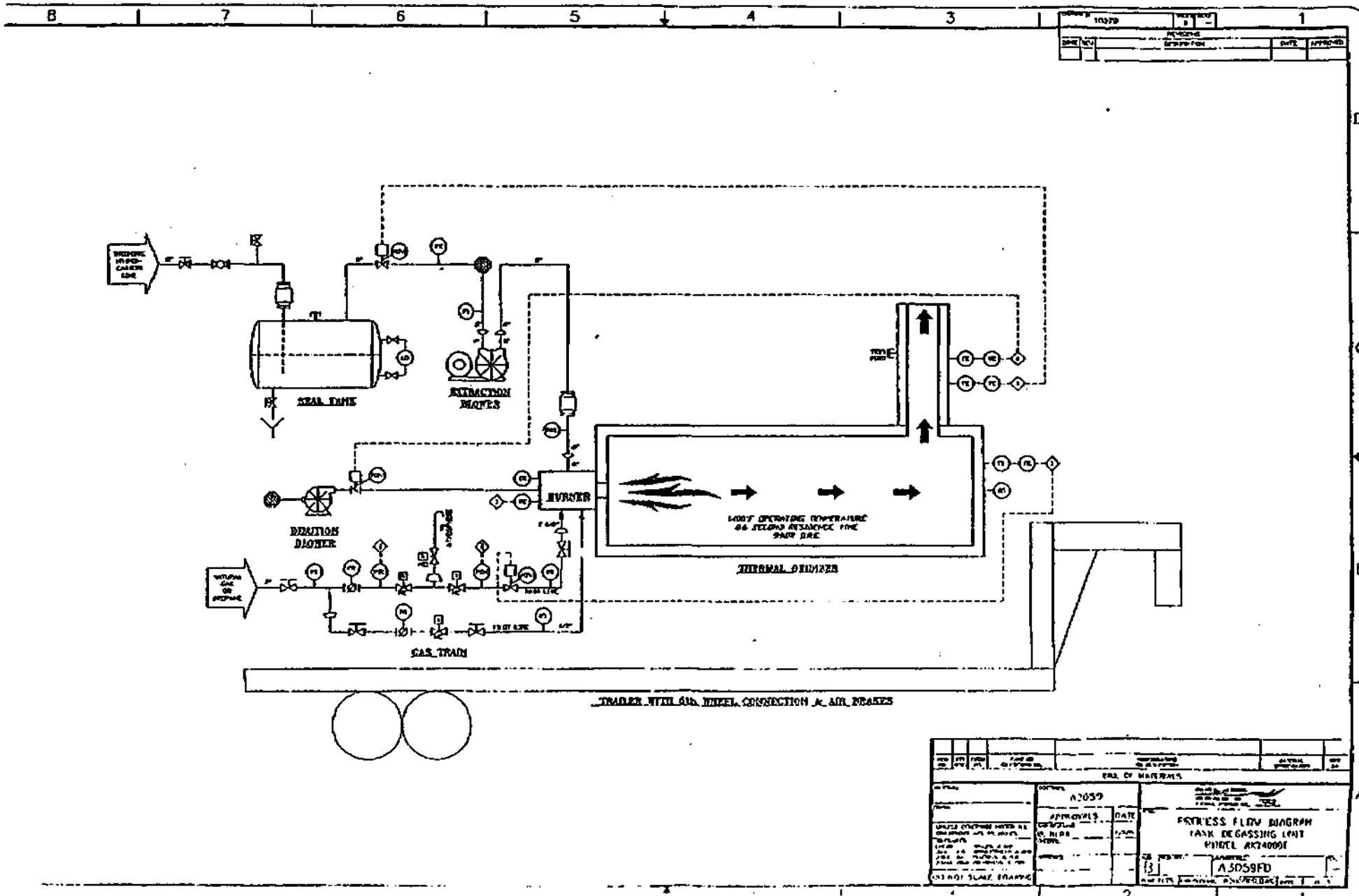
18. Shell Construction: 3/16" Steel - Primed & Painted
19. Insulation:  
Combustion Chamber  
After Burner  
Cast Refractories  
Performed Refractory Tube.
20. Trailer:  
38' - 0" L X 8' - 0" W Bed Foot  
Dual Axle - 28,000lbs capacity  
Bed Height is Approximately 42"  
from ground level.
21. Control Panel:  
NEMA-4 control panel with temp  
controller high limit Burner Mang.  
Systems, Switches, and indicating  
lights.
22. Digital Controllers  
Temperature Controller: Honeywell UDC3000  
Combustion Air Controller: Honeywell UDC3000  
Hydrocarbon Inlet Controller: Honeywell UDC3000
23. Chart Recorder  
Yokogawa Model # 4156-6

### Other Major Features:

- |   |  |
|---|--|
| 24. Flame Arrestor:   | Enardo-Flanged 8" connection 12" cell  |
| 25. Liquid Seal:  | Horizontal Liquid Seal Tank with Flanged Inlet/Outlet, Drain, Sight Glass, Quick Fill Line, Float Switch, and Bypass Isolator. Supplemental Storage Tank.  |
| 26. Safety Shutoff Valve:   | Automatic with 8" Shutoff Valve electric Actuator Interlocked with Flame Monitoring System   |
| 27. Automatic Dilution Air:   | Modulating type Valve in the Combustion Air Line Dilution Valve Interlocked with Temperature Controller. If the Oxidizer Temperature keeps rising above set point this will modulate and allow more fresh air and there by less waste gas. |
| 28. Monitoring Equipment<br>Inlet Hydrocarbon Analyzer:<br>Outlet Hydrocarbon Analyzer: | Beckman Model 880<br>Beckman Model 400A  |

### Utilities:

- |                                 |   |
|---------------------------------|---|
| 29. Natural Gas:<br>or Propane: | 8,500 CFH (max)<br>5 psi-10 psi                       |
| 30. Power Supply:               | 480Volt 3 Phase 60HZ<br>On Board Lima 3600S Generator |



DATE: 10/27/96 TIME: 03:19PM BY: HQ		APPROVED: [Signature] DATE: 10/27/96 BY: [Signature]	
TITLE: TANK DEGASSING UNIT MODEL: AK740001		TITLE: TANK DEGASSING UNIT MODEL: AK740001	
A3059FD		A3059FD	

✓

Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Melvin L. Richardson

TNRCC Office: Region 12 - Houston

Location: Kirk's Handy-Way  
State Highway 36 at Black's Ferry Road  
Three miles north of Brazoria, Texas

Date/Time: October 13, 1997 / 8:07 am

On October 13, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed Melvin Richardson at the above noted location. Lynch advised Richardson he was conducting a criminal investigation related to the cleaning of cyclohexane barges from BASF at Hercules Marine Services Corporation (Hercules) and that he wanted to ask questions concerning related documents with which Mr. Richardson was familiar. Richardson advised he was willing to answer Lynch's question.

Richardson advised that his company Richardson's Tankerman loads and unloads barges under contract as a tankerman company for BASF at the BASF dock. Richardson showed Lynch a document labeled Written Job Instruction (WJI), and titled, "barges coming from Hercules Shipyard, that are being loaded, after cleaning". He advised that he used this document at BASF as written procedures for his workers to follow when loading a barge at BASF that came from Hercules. He advised that the WJI was established to avoid cross contamination of product which his company loaded onto barges for BASF. Richardson said that he wrote this WJI, but that Mark Hanna, then BASF Logistics Coordinator, came up with the procedures to avoid cross contamination of product loaded onto barges. Richardson advised this system was developed several years ago after an incident when product was cross contaminated because of residue left in a barge that was thought to be clean.

Richardson advised that the WJI requires that his company not load a barge at BASF that has been cleaned and is experiencing a change in the type cargo it carries unless they obtain and review a Visual Inspection Report and a Shipyard Check Sheet for the barge. He advised that these two documents both show that the barge has been cleaned and inspected. Richardson sent Lynch a facsimiled copy of the WJI and a list of barges loaded by his company from November 15, 1996 until May 7, 1997.

Lynch showed Richardson a copy of a Hercules Barge Cleaning Report and an ITS Caleb Brett Visual Inspection Report and asked him if these were examples of the documentation his company reviews before they will load a barge that has just been cleaned and is experiencing a

change in cargo. He advised that these looked like the documents his company would review.

Richardson advised that he sends a copy of the Visual Inspection Report and the Shipyard Check Sheet with a Work Sheet which he prepares to document the time his workers spend on the job of loading the barge to BASF Logistics Coordinator Robert Peters. He advised he also sends a Flow Sheet with the package of documents he send to Peters. He said that the Flow Sheet documents the gallons per minute rate at which the barge is loaded to make sure there are no pipeline leaks. Richardson advised that his company is paid based on the information he includes on the Work Sheet. Richardson said that he does not know if Peters ever actually read the documents he sends to his attention, but that he did send them to the attention of Robert Peters through BASF inter-office mail.

Richardson advised that his company has to obtain a Safe Work Permit from BASF before they are allowed to load a barge at BASF. Richardson advised that Brown Water Marine is the company that loads cyclohexane onto barges for BASF at the various location where BASF purchases this product.

Richardson advised that when barges are unloaded at BASF a vent is opened on the barge to prevent the tanks from being collapsed by vacuum. He advised that prior to unloading the barge tanks, ITS Caleb Brett gauges the barge to verify amount and identify the product. Richardson advised that once the tanks are unloaded, ITS Caleb Brett gauges the barge tanks again and notes the amount of heel left on the barge and then the barge tanks are sealed shut.

Richardson advised that his company unloads the cyclohexane barges at the BASF dock for BASF. He advised that the vast majority of barges he unloads at the BASF dock are cyclohexane barges. Richardson said that he unloads about 15 to 18 cyclohexane barges per month at the BASF dock. He advised that he receives BASF Barge Schedules which notify him of orders as to what barge activity will be at BASF.

Richardson advised that he talked with Juan Rivera and Larry Ballinger at Hercules sometimes, but that he primarily worked with Robert Peters at BASF. Richardson advised that BASF dealt with Hercules more than he did.

PERSONAL INFORMATION

Melvin L. Richardson  
Rt 2 Box 2472  
Brazoria, TX 77422  
409/798-7561  
DOB 01-10-44  
TDL# 00237515  
SS# 452 70 9196

Signed: Brian Lynd

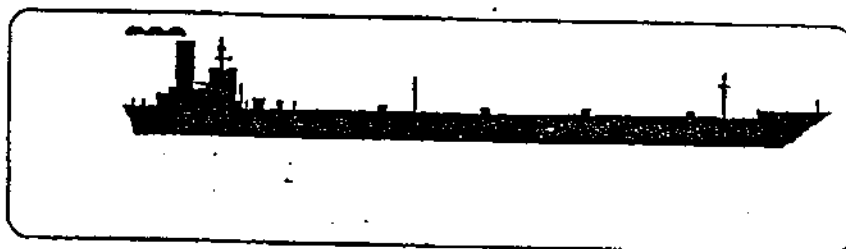
Date prepared: October 16, 1997

001 10/97 3:40 NO.002 P.01  
GREETINGS FROM RICHARDSON'S TANKERMAN  
SERVICE, PHONE : 409-798-7561

THIS FAX IS FOR: BRIAN LYNCH  
OF TNRC FAX 713/767-3520

FROM M.C. RICHARDSON

DATE 10/15/97



PLEASE CALL 409-798-7561 IF ANY PROBLEMS ARRISE, OR IF ANY PART OF  
OF THIS IS UNCLEAR.

PAGE 1 OF 5



**BASF Corporation**  
Chemicals Division

**BASF**

**WJI**  
**WRITTEN JOB INSTRUCTION**  
**LOGISTICS DEPARTMENT**

<b>WJI BD -</b> <b>TITLE:</b> Barges coming from Hercules Shipyard, that are being loaded, after cleaning.	<b>Effective Date:</b> 10/23/95
Written By: <u>Melvin L. Richardson</u> Reviewed By: _____ Approved By: _____	Date: _____ Date: _____ Date: _____
(Signature Required)	

**SEQUENCE OF STEPS (NOT TOO FINE OR TOO BROAD)**  
**QUALITY, PRODUCTION, ECOLOGY OR ENERGY FACTORS (CLEARLY TELL WHAT TO DO AND WHY)**  
**SAFETY FACTORS (CLEARLY TELL WHAT TO DO AND WHY)**

- 1) Tankerman will be informed when a barge is required to have a Visual Inspection Report, and a Shipyard Job Number Check Sheet on it.  
 Quality: Barges changing cargoes have to go to Hercules Shipyard to be cleaned, and Logistic Coordinator will inform Tankerman when this occurs.
  
- 2) The inspector will put a Visual Tank Inspection Report in the Barge Mail Box stating whether Barge is accepted or rejected for loading. Hercules will put a Shipyard Job Number Check Sheet in Barge Mail Box stating whether Barge has been Inspected.  
 Quality: If either the Visual Tank Inspection Report or Shipyard Job Number Check Sheet are not on the Barge, DO NOT load Barge, and contact Logistic Coordinator.
  
- 3) Tankerman will remove both the Visual Tank Inspection Report, and the Shipyard Job Number Check Sheet. The Visual Tank Inspection will state whether Barge is accepted, or rejected, and the Shipyard Number Check Sheet will state whether Barge has been inspected.  
 Quality: If the Visual Tank Inspection Report states Barge is accepted, and the Shipyard Job Number Check Sheet states Barge has been inspected, Barge can be loaded following the WJI for the job being done. If the Visual Tank Inspection Report states the Barge is rejected, or the Shipyard Job Number Check Sheet states Barge hasn't been inspected, DO NOT load barge, and contact Logistics Coordinator.

**BASF Corporation**  
**Chemicals Division**

**WJI**  
**WRITTEN JOB INSTRUCTION**  
**LOGISTICS DEPARTMENT**

**BASF**

**WJI BD-**

**Effective Date: 10/23/95**

**TITLE: Barges coming from Hercules Shipyard, that are being loaded, after cleaning.**

- 4) Include the Visual Tank Inspection Report and the Shipyard Job Number Check Sheet , along with the Job Sheet to the Logistic Coordinator.

Quality: Insures product will not be contaminated.

RICHARDSON'S TANKERMAN SERVICE

OCT. 14, 1997

Barge's loaded at BASF Dock #1 from Nov. 15, 1996 thru May 07, 1997.

	DATE	BARGE #	JOB #	PRODUCT
1.	11/18/96	ETT-115	29	NORMAL BUTANOL
2.	11/30/96	ETT-110	46	CAPRO-EXTRACT
3.	12/04/96	ETT-115	05	NORMAL BUTANOL
4.	12/18/96	ETT-115	29	NORMAL BUTANOL
5.	01/13/97	ETT-112	24	NORMAL BUTANOL
6.	01/29/97	ETT-112	52	NORMAL BUTANOL
7.	02/03/97	ETT-112	03	NORMAL BUTANOL
8.	02/06/97	ETT-112	12	NORMAL BUTANOL
9.	02/10/97	ETT-112	20	NORMAL BUTANOL
10.	02/25/97	ETT-110	50	CAPRO-EXTRACT
11.	02/26/97	ETT-115	52	NORMAL BUTANOL
12.	03/09/97	ETT-112	11	ANOLON
13.	03/12/97	ETT-112	13	ANOLON
14.	03/19/97	ETT-115	20	NORMAL BUTANOL
15.	04/14/97	ETT-110	25	ANOLON
16.	04/26/97	ETT-113	45	ANOLON

① Barges loaded at BASF  
from Nov. 15, 1996 - May 7, 1997.

② Work Job Instructions for barge  
coming from Herc. Ship Yard  
going to BASF to be loaded.



TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION

pg 1800-796-7363

BRIAN LYNCH

Investigator - Special Investigations  
Litigation Support Division

FAX 713/767-3520

Region 12

713/767-3521 • Fax 713/767-3520  
6425 Polk Avenue • Suite H • Houston, TX 77023-1423

**Texas Natural Resource Conservation Commission**  
**Special Investigations**  
**ADVICE OF RIGHTS — NONCUSTODIAL**

THE STATE OF TEXAS

County of Brazoria

I, Claudio Duarte, have been first duly warned by

Larry Belland Brazoria County District Attorney's Office  
(Name & Title of Investigator giving rights)

at 5:30 (A.M./P.M.), on the 14<sup>th</sup> day of October, 1977, at \_\_\_\_\_

110 Marion, Cleve, Texas, of the  
(Location/Address)

following rights:

1. I HAVE THE RIGHT TO REMAIN SILENT AND NOT MAKE ANY STATEMENT AT ALL AND THAT ANY STATEMENT I MAKE MAY BE USED AGAINST ME AT MY TRIAL;
2. ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME IN COURT;
3. I HAVE THE RIGHT TO HAVE A LAWYER PRESENT TO ADVISE ME PRIOR TO AND DURING ANY QUESTIONING;
4. I HAVE THE RIGHT TO TERMINATE THE INTERVIEW AT ANY TIME.

The were read to me by Claudio Duarte Jr.  
~~I have read the~~ above rights and have had the same explained to me and do knowingly, intelligently and voluntarily waive the rights as set out above. I do hereby freely and voluntarily, without being induced by any compulsion, threats, promises or persuasion, want to talk to an investigator.

My name is Claudio Duarte and I am 42 years of age. I was born in 2/23/55 and at present I consider the following address my home 110 W MARION

My Drivers License Number is 10308031

Claudio Duarte  
SIGNATURE  
Brian Lynch  
INVESTIGATOR

Ray Beech  
WITNESS  
Ronald L. Ball  
WITNESS

Texas Natural Resource Conservation Commission  
Special Investigations  
STATEMENT

THE STATE OF TEXAS

County of Brazoria

Case Number: CR-FY97-058

I, Claudio Gomez Duarte, being first duly sworn, according to law, depose and say:

I have been advised by Larry Ballinger of DISTRICT ATTORNEY'S OFFICE, that, under the provisions of the Constitution, I cannot be compelled to be a witness against myself; and, knowing that anything I say may be used against me, I wish to make the following statements of my own free will and accord, without coercion or threats and without promise of immunity.

This statement is a voluntary act on my part, prompted by my decision to tell the facts, and I do not expect to gain any reward or special consideration by reason of having made this statement.

[REDACTED]  
[REDACTED] I have worked at Hercules Marine Services (Hercules) as the Cleaning Superintendent for about three years. I supervise the crews that clean barges at Hercules. Since about May 1997, my boss at Hercules has been Jimmy Jackson. Before that and in 1996, my boss was Larry Ballinger. Larry was the boss over everyone there at Hercules. My duties included filling out a barge cleaning report. The information I wrote down on the barge cleaning report included the barge number, the chemical product cleaned out of the barge, and the date the barge was cleaned. When a barge came to the Hercules dock I would go to the dock and check on the barge. When the barge came in Larry Ballinger would also come out and check on it. Larry wanted to know what product was in the barge and how much of the product was left in the barge. I would open the hatches on the barge. From my experience at Hercules I could tell by the odor what product was on the barge and I could look in the barge cargo tanks and tell approximately how much material was left in the barge. I would tell Larry what product was on the barge and how much was left. I remember several times I told Larry the barge

Texas Natural Resource Conservation Commission  
Special Investigations  
STATEMENT CONCLUSION

Statement of Claudio Gómez Duarte  
Case Number: CR-FY97-058

Date: 10-14-97

contained cyclohexane and Larry told me do not write down cyclohexane on the barge cleaning report. He told me to write down the chemical name butanol instead of cyclohexane. Larry told me and Juan Rivera more than once that if a cyclohexane barge comes in, do not write down cyclohexane on the barge report, but instead, write down butanol.

I have <sup>had</sup> ~~read~~ the foregoing statement <sup>read to me by Claudio Duarte Jr.</sup> and I have been given an opportunity to make corrections. All of the facts contained herein are true to the best of my knowledge.

Sworn to before me this 14TH day (Signed) Claudio Duarte Jr.  
of OCTOBER, 1997.

Signed: [Signature]  
(Law Officer)  
Witnessed: Brian Lynch

Case: Hercules

Case Number: CR-FY97-058

Person Interviewed: Bobby Fuller, Branch Manager  
Intertek Testing Services Caleb Brett

TNRCC Office: Region 12 - Houston

Location: Intertek Testing Services Caleb Brett  
214 North Gulf Blvd.  
Freeport, Texas 77541

Date/Time: October 17, 1997 / 10:30 am

On October 17, 1997, TNRCC Special Investigator (SI) Brian Lynch interviewed Bobby Fuller at the above noted location. Brazoria County District Attorney Office Investigator Larry Bullard participated in the interview. The interview was set up to allow the investigators to review Intertek Testing Services Caleb Brett (Caleb Brett) records of barges they inspected for BASF that had been cleaned at Hercules Marine Services Corporation (Hercules) prior to November 15, 1996.

Fuller provided Caleb Brett records concerning barges from BASF that had been cleaned at Hercules during the time period of June 7, 1996, until November 14, 1996, to the investigators for their review. Lynch and Bullard reviewed the Caleb Brett Visual Tank Inspection Reports included in the records provided by Fuller and noted that 12 barges from BASF which last contained cyclohexane as a cargo had been cleaned at Hercules during this six month time period. Lynch and Bullard also noted that the associated Hercules Barge Cleaning Reports contained in the Caleb Brett records provided by Fuller for the above described 12 cyclohexane barges also indicated the last cargo contained on these barges to be cyclohexane (See attached documents).

Signed:



Date prepared:

October 28, 1997





# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : ETT-112  
Port/Terminal: HERCULES SHIPYARD/FREEPORT  
Product/Cargo: CYCLOHEXANE

Your Reference:  
Our Reference: FP/96-1292  
Date : 6-10-96

Tank Number	1C	2C	3C
Tank Coating	MILD STEEL	MILD STEEL	MILD STEEL
Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Third Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *			
Time/Date Inspected	1340 6-10-96	1340 6-10-96	1340 6-10-96

Method said to have been used to clean tanks: ALL CARGO TANKS AND PIPELINES WERE STRIPPED AND BLOWN FOR ONE-HALF HOUR PER TANK, AND ALL TANKS WERE ALSO GAS FREED DUE TO WELDING WORK.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

  
I T S-Caleb Brett

205 1. 5075  
 SOURCE NO. 64-117  
 CIPHER: BASE  
 METHOD: CIPHER-PLAIN

DATE TIME ARRIVAL 10-26-80  
DATE TIME DEPARTED 10-26-80  
WARRANT COMPLETE 10-26-80

AMOUNT SET ASIDE 2.00

CLEANING INSTRUCTIONS BY: Robert Perce AMOUNT SET  
COMPLETION SCHEDULE BY:

COMPLETION SCHEDULE BY:

APPROVED BY: \_\_\_\_\_  
 AUTHORIZED BY: \_\_\_\_\_

FORCE INSPECTED BY: DEATH

WAGE RELATED TO:

1944

Latency/Response

DECK/PORT OPENING: YES NO CLOSING BY \_\_\_\_\_ DATE/TIME: \_\_\_\_\_  
 BELOW DECK CARGO PIPELINE: BLEND OPEN YES \_\_\_\_\_ NO \_\_\_\_\_  
 NEW CARGO YES \_\_\_\_\_ NO \_\_\_\_\_  
 CLOSING \_\_\_\_\_

1. YES NO CLOSING BY NEW CLOSING YES NO  
 2. YES NO CLOSING BY NEW CLOSING YES NO  
 3. YES NO CLOSING BY NEW CLOSING YES NO

BACK CHECK VALUE OPENED: YES 11/17 NO        CLOSED BY        YES        NO       

BACK CHECK BLINDS OPEN: 11/17 YES        NO        CLOSED BY        YES        NO       

DECK GUNNER BLINDS OPEN: Yes CLOSED BY MAN YES Yes  
DECK HOLDER BRACKY PLUG OPEN: Yes INSPECTED BY CHIEF BOATMAN Yes

DECK HATCH DEATH FLAG OPEN: YES ☒ NO ☐ CLOSED BY                       
 HATCH RECOVERY WARDEN OPENED: YES ☒ NO ☐ CLOSED BY                     

MAJOR RECOVERY READER OPENED: YES ☒ NO ☐ CLOSED BY RAI/TG  
 READER: YES ☒ NO ☐ CLOSED BY CSAC

QUESTIONS: YES NO  
NUMBER OF CIRCLES TAKEN OUT TICKETS OUT

NUMBER OF CARGO VALVES 3 DAMAGED OUT 0 WICKETTED OUT 0  
CORRECTION OF CARGO VALVES 300  
CLOSURE OF CARGO VALVES 0

VALVES: ECO  
 SHUT TAIL STOPPED: YES N/A  
 BATH TANK START/STOP: YES N/A  
 WEATHER: RAIN NO

DRIP PAN: NO YES NO  
 FLATNESS: NO YES NO  
 PIPELINE: NO YES NO

WEATHER: SUN 20 BAR \_\_\_\_\_ NO \_\_\_\_\_  
PIPELINE WASHED: 500 YES \_\_\_\_\_ HUMIDITY \_\_\_\_\_ OVERCAST \_\_\_\_\_  
HOW MUCH CLOUDS: YES \_\_\_\_\_ PIPELINE BLOWN \_\_\_\_\_ CLOUDY \_\_\_\_\_ CLEAR \_\_\_\_\_

HOW MANY CHECKED: YES ☒ NO ☐  
 YES ☒ NO ☐  
 CHECKED YES ☒ NO ☐

VOICED YES / NO  
CARRIED YES / NO  
STORY TYPE: YES / NO  
CAPTION EQUIPMENT USED:

RG 22-02

NOTICE

All barge cleared for DRP will be inspected by Caleb Brett. The Inspector will have paperwork for the barge forward in charge to sign. The barge will be two copies in the document and box. One copy will stay in the mailbox, and the Captain of the tugboat that is picking up the barge will not sign. The decision is on board and documentation is in the mailbox. If any problem, the tugboat master will be contacted.

Inspected 6-11-1964

Revised 6-9-10-196

1375

1350

In accord with Charles Bennett

in deep water over the bank. Collo best



# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : ETT-113  
Port/Terminal: HERCULES/FREEPORT  
Product/Cargo: 99.9% CYCLOHEXANE

Your Reference:  
Our Reference: FP/96-1319  
Date : 6-14-96

Tank Number	1C	2C	3C
Tank Coating	MILD STEEL	MILD STEEL	MILD STEEL
Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	- - - - -	- - - - -	- - - - -
Third Last Cargo	- - - - -	- - - - -	- - - - -
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *			
Time/Date Inspected	1240 6-14-96	1240 6-14-96	1240 6-14-96

Method said to have been used to clean tanks: ALL CARGO TANKS WERE STRIPPED LIQUID FREE AND BLOWN DRY FOR FIVE HOURS.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

  
I T S-Caleb Brett

# BARGE CLEANING REPORT

JOB NO. \_\_\_\_\_  
 BARGE NO. EXT-113  
 CUSTOMER BASE  
 PROJECT CYCLOHEXANE

ETA \_\_\_\_\_  
 DATE/TIME ARRIVAL 6-14-96 16:00  
 DATE/TIME STARTED 6-14-96 7:00  
 DATE/TIME COMPLETED 6-14-96 15:00

AMOUNT STRIPPED 300

CLEANING INSTRUCTIONS BY: Z. White

COMPLETION SCHEDULE BY: \_\_\_\_\_

OVERTIME AUTHORIZED BY: \_\_\_\_\_

BARGE INSPECTED BY: Charles Brett

DATE/TIME: \_\_\_\_\_

BARGE RELEASED TO: \_\_\_\_\_

DATE/TIME: \_\_\_\_\_

DEEPWELL OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW CASKET YES \_\_\_\_\_ NO \_\_\_\_\_

BELOW DECK CARCO PIPELINE: BLEND OPEN YES ✓ NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW CASKET \_\_\_\_\_

DECK CHECK VALVE OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW CASKET YES \_\_\_\_\_ NO \_\_\_\_\_

DECK HEADER BLINDS OPEN: Yes INSPECTED BY OTHER BARGE \_\_\_\_\_

DECK HEADER DRAIN PLUG OPEN: YES ✓ NO \_\_\_\_\_ CLOSED BY Quintan

VAPOR RECOVERY HEADER OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY CHAS NEW CASKET \_\_\_\_\_

RUST SCALE: YES \_\_\_\_\_ NO ✓ WASHED OUT \_\_\_\_\_ BUCKETED OUT \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_

NUMBER OF CARCO TANKS 3

CONDITION OF CARCO VALVES Good

SLOP TANK STRIPPED: YES N/A NO \_\_\_\_\_

Drip Pans Stripped: YES ✓ NO \_\_\_\_\_

WEATHER: TEMP 98 RAIN \_\_\_\_\_ FOC \_\_\_\_\_ HUMIDITY \_\_\_\_\_ OVERCAST \_\_\_\_\_ CLOUDY ✓ CLEAR ✓

PIPELINE WASHED: no PIPELINE BLOWN Yes INSPECTED BY OTHER BARGE \_\_\_\_\_

BOW ROCKET CHECKED: YES ✓ NO \_\_\_\_\_ STEER WAKE: YES ✓ NO \_\_\_\_\_

VOIDS: YES ✓ NO \_\_\_\_\_ SAFETY EQUIPMENT USED: \_\_\_\_\_

SIMPS INSPECTED \_\_\_\_\_

## NOTICE

All barges cleared for BASF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BASF logistics representative must be contacted.

Inspected 6-14-96

1230

1245

Inspected By M. Kim Dwyer

NO BASF BARGE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALEB BRETT HAS SIGNED THE RELEASE PAPERS. CALEB BRETT WILL BE GIVEN A COPY OF THIS FORM.



# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : ETT-113  
Port/Terminal: HERCULES/FREEPORT  
Product/Cargo: CYCLOHEXANE

Your Reference:  
Our Reference: FP/96-1461  
Date : 6-29-96

Tank Number	1C	2C	3C
Tank Coating	MILD STEEL	MILD STEEL	MILD STEEL
Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	N/A	N/A	N/A
Third Last Cargo	N/A	N/A	N/A
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *			
Time/Date Inspected	1200 6-29-96	1200 6-29-96	1200 6-29-96

Method said to have been used to clean tanks: ALL CARGO TANKS WERE STRIPPED, AND ALL CARGO TANKS AND PIPELINES WERE BLOWN FOR TWO AND ONE-HALF HOURS AND VENTED FOR FOUR HOURS.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

  
I T S-Caleb Brett

# Barge Cleaning Report

JOB NO \_\_\_\_\_ ETA \_\_\_\_\_  
BARGE NO Ett-113 DATE/TIME ARRIVAL 6-29-96 = 6:45 AM  
CUSTOMER BASF DATE/TIME START 6-29-96 = 7:00 AM  
PRODUCT CYCLOHEXANO DATE/TIME COMPLETE 6-29-96 = 12:00 PM  
AMOUNT STRIPPED 300

CLEANING INST. BY Robert Peter COMPLETION SCH. BY \_\_\_\_\_ OVERTIME AUTH. BY \_\_\_\_\_

BARGE INSP. BY Duarte DATE/TIME \_\_\_\_\_ RELEASED TO \_\_\_\_\_ DATE/TIME \_\_\_\_\_

DEEPWELL OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

BELOW DECK CARGO PIPELINE:

BLIND OPENED: YES ☒ NO \_\_\_\_\_ CLOSED BY CASAS NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

DECK CHECK VALVE OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

DECK HEADER BLINDS OPENED: YES ☒ NO \_\_\_\_\_ INSECTED BY CALEB BRETT \_\_\_\_\_

DECK HEADER DRAIN PLUG OPENED: YES ☒ NO \_\_\_\_\_ CLOSED BY Rivera

VAPOR RECOVERY HEADER OPENED: YES ☒ NO \_\_\_\_\_ CLOSED BY CASAS NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

RUST SCALE: YES \_\_\_\_\_ NO ☒ WASHED OUT \_\_\_\_\_ BUCKETED OUT \_\_\_\_\_

NUMBER OF CARGO TANKS 3 CONDITION OF CARGO VALVES \_\_\_\_\_

SLOP TANK STRIPPED: YES N/A NO \_\_\_\_\_ DRIP PANS STRIPPED: YES \_\_\_\_\_ NO \_\_\_\_\_

WEATHER: TEMP 70 RAIN \_\_\_\_\_ FOG \_\_\_\_\_ HUMIDITY \_\_\_\_\_ OVERCAST \_\_\_\_\_ CLOUDY \_\_\_\_\_ CLEAR ☒

PIPELINE WASHED: YES \_\_\_\_\_ NO \_\_\_\_\_ PIPELINE BLOWN: YES ☒ NO \_\_\_\_\_ INSPECTED BY CALEB BRETT \_\_\_\_\_

BOW RAKE CHECKED: YES ☒ NO \_\_\_\_\_ STERN RAKE CHECKED: YES ☒ NO \_\_\_\_\_

VOIDS: YES ☒ NO \_\_\_\_\_ SAFETY EQUIPMENT USED: \_\_\_\_\_

SUMPS INSPECTED: ☒

## NOTICE

All barges cleaned for BASF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BASF logistics representative must be contacted.

Date Inspected 06/29/96 Time in: 1245 Time out: 1210

Inspected By: A. Thon Dampsey  
Caleb Brett

NO BASF BARGE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALEB BRETT HAS SIGNED THE RELEASE PAPERS. CALEB BRETT WILL BE GIVEN A COPY OF THIS FORM.



# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : ETT-112  
Port/Terminal: HERCULES/FREEPORT, TX  
Product/Cargo: 99.9% CYCLOHEXANE

Your Reference:  
Our Reference: FP/96-1666  
Date : 7-27-96

Tank Number	1C	2C	3C
Tank Coating	MILD STEEL	MILD STEEL	MILD STEEL
Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Third Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *			
Time/Date Inspected	0230 7-27-96	0230 7-27-96	0230 7-27-96

Method said to have been used to clean tanks: ALL CARGO TANKS AND PIPELINES WERE STRIPPED AND BLOWN DRY FOR TWO HOURS AND FORTY-FIVE MINUTES.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

  
I T S-Caleb Brett

## Barge Cleaning Report

JOB NO 5135 ETA \_\_\_\_\_  
 BARGE NO ETT 5112 DATE/TIME ARRIVAL 7-26-96 8:20 PM  
 CUSTOMER BASF DATE/TIME START 7-26-96 8:30 PM  
 PRODUCT CYCLOHEXANE DATE/TIME COMPLETE 7-26-96 12:31 AM

AMOUNT STRIPPED 400

CLEANING INST. BY R. Peters COMPLETION SCH. BY R. Peters OVERTIME AUTH. BY R. Peters

BARGE INSP. BY D. Harte DATE/TIME 12:00 PM RELEASED TO Brown Water <sup>10</sup> DATE/TIME 12:31 AM

DEEPWELL OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

BELOW DECK CARGO PIPELINE:

BLIND OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY CASUS NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

DECK CHECK VALVE OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

DECK HEADER BLINDS OPENED: YES ✓ NO \_\_\_\_\_ INSECTED BY CALEB BRETT \_\_\_\_\_

DECK HEADER DRAIN PLUG OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY Quinter

VAPOR RECOVERY HEADER OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY CASUS NEW GASKET: YES \_\_\_\_\_ NO ✓

RUST SCALE: YES ✓ NO \_\_\_\_\_ WASHED OUT \_\_\_\_\_ BUCKETED OUT \_\_\_\_\_

NUMBER OF CARGO TANKS 3 CONDITION OF CARGO VALVES Good

SLOP TANK STRIPPED: YES N/A NO \_\_\_\_\_ DRIP PANS STRIPPED: YES ✓ NO \_\_\_\_\_

WEATHER: TEMP \_\_\_\_\_ RAIN \_\_\_\_\_ FOG \_\_\_\_\_ HUMIDITY ✓ OVERCAST \_\_\_\_\_ CLOUDY ✓ CLEAR \_\_\_\_\_

PIPELINE WASHED: YES \_\_\_\_\_ NO ✓ PIPELINE BLOWN: YES ✓ NO \_\_\_\_\_ INSPECTED BY CALEB BRETT \_\_\_\_\_

BOW RAKE CHECKED: YES ✓ NO \_\_\_\_\_ STERN RAKE CHECKED: YES \_\_\_\_\_ NO \_\_\_\_\_

VOIDS: YES ✓ NO \_\_\_\_\_ SAFETY EQUIPMENT USED: \_\_\_\_\_

SUMPS INSPECTED: ✓

## NOTICE

All barges cleaned for BASF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BASF logistics representative must be contacted.

Date Inspected 7/27/96

Time in: 0015

Time out: 0035

Inspected By:

A. Harte  
Caleb Brett

NO BASF BARGE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALEB BRETT HAS SIGNED THE RELEASE PAPERS. CALEB BRETT WILL BE GIVEN A COPY OF THIS FORM.





# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : ETT-115  
Port/Terminal: HERCULES/FREEPORT, TX  
Product/Cargo: 99.9% CYCLOHEXANE

Your Reference:  
Our Reference: FP/96-1560  
Date : 7-11-96

Tank Number	1C	2C	3C
Tank Coating	MILD STEEL	MILD STEEL	MILD STEEL
Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	- - - -	- - - -	- - - -
Third Last Cargo	- - - -	- - - -	- - - -
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *			
Time/Date Inspected	1150 7-11-96	1150 7-11-96	1150 7-11-96

Method said to have been used to clean tanks: Cargo tanks & pipelines were stripped for thirty minutes and blown for four hours.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.



I T S-Caleb Brett

### Barge Cleaning Report

JOB NO 3464 ETA \_\_\_\_\_  
BARGE NO ETT 115 DATE/TIME ARRIVAL 7-11-96 = 7:30 AM  
CUSTOMER BASF DATE/TIME START 7-11-96 = 8:00 AM  
PRODUCT CYCLOHEXANE DATE/TIME COMPLETE 7-11-96 = 2:30 PM

AMOUNT STRIPPED 300

CLEANING INST. BY Robert Peters COMPLETION SCH. BY Robert Peters OVERTIME AUTH. BY \_\_\_\_\_

BARGE INSP. BY Duarte DATE/TIME \_\_\_\_\_ RELEASED TO \_\_\_\_\_ DATE/TIME \_\_\_\_\_

DEEPWELL OPENED: YES NA NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

BELOW DECK CARGO PIPELINE: ✓

BLIND OPENED: NA YES ✓ NO \_\_\_\_\_ CLOSED BY CAJAS NEW GASKET: YES \_\_\_\_\_ NO ✓

DECK CHECK VALVE OPENED: YES NA NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

DECK HEADER BLINDS OPENED: YES ✓ NO \_\_\_\_\_ INSECTED BY CALEB BRETT \_\_\_\_\_

DECK HEADER DRAIN PLUG OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY Lucio

VAPOR RECOVERY HEADER OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY Lucio NEW GASKET: YES \_\_\_\_\_ NO ✓

RUST SCALE: YES ✓ NO \_\_\_\_\_ WASHED OUT \_\_\_\_\_ BUCKETED OUT \_\_\_\_\_

NUMBER OF CARGO TANKS 3 CONDITION OF CARGO VALVES \_\_\_\_\_

SLOP TANK STRIPPED: YES NA NO \_\_\_\_\_ DRIP PANS STRIPPED: YES ✓ NO \_\_\_\_\_

WEATHER: TEMP 90 RAIN \_\_\_\_\_ FOG \_\_\_\_\_ HUMIDITY \_\_\_\_\_ OVERCAST \_\_\_\_\_ CLOUDY \_\_\_\_\_ CLEAR ✓

PIPELINE WASHED: YES \_\_\_\_\_ NO ✓ PIPELINE BLOWN: YES ✓ NO \_\_\_\_\_ INSPECTED BY CALEB BRETT \_\_\_\_\_

BOW RAKE CHECKED: YES ✓ NO \_\_\_\_\_ STERN RAKE CHECKED: YES ✓ NO \_\_\_\_\_

VOIDS: YES ✓ NO \_\_\_\_\_ SAFETY EQUIPMENT USED: \_\_\_\_\_

SUMPS INSPECTED: ✓

### NOTICE

All barges cleaned for BASF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BASF logistics representative must be contacted.

Date Inspected 7/11/96

Time in: 1150

Time out: 1215

Inspected By: S.P.

Caleb Brett

NO BASF BARGE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALEB BRETT HAS SIGNED THE RELEASE PAPERS. CALEB BRETT WILL BE GIVEN A COPY OF THIS FORM.



# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : ETT-114  
Port/Terminal: Hercules Shipyard, Freeport, Tx  
Product/Cargo: Normal Butanol

Your Reference:  
Our Reference: FP/96-1853  
Date : August 23, 1996

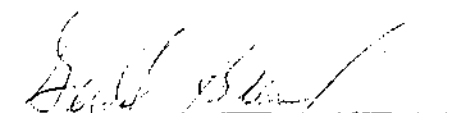
Tank Number	#1 Center	#2 Center	#3 Center
Tank Coating	Mild Steel	Mild Steel	Mild Steel
Last Cargo	Cyclohexane	Cyclohexane	Cyclohexane
Second Last Cargo	- - -	- - -	- - -
Third Last Cargo	- - -	- - -	- - -
Visual Cleanliness Accepted *	Accepted	Accepted	Accepted
Visual Cleanliness Rejected *			
Time/Date Inspected	1020 8/23/96	1020 8/23/96	1020 8/23/96

Method said to have been used to clean tanks: Tanks #1C, #2C and #3C: Hot fresh water (160 to 180 °F) for 30 minutes each,

strip and blown dry. Pipelines: Hot fresh water (180 to 200 °F.) for 1 1/2 hours, blow dry.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

  
I T S-Caleb Brett

# Barge Cleaning Report

JOB NO 8-5163 ETA \_\_\_\_\_  
 BARGE NO ETT-114 DATE/TIME ARRIVAL 8-22-86 9:50 AM  
 CUSTOMER BASF DATE/TIME START 8-22-86 10:00 AM  
 PRODUCT CYCLOHEXANE DATE/TIME COMPLETE 8-23-86  
 AMOUNT STRIPPED 300

CLEANING INST. BY Robert COMPLETION SCH. BY \_\_\_\_\_ OVERTIME AUTH. BY \_\_\_\_\_

BARGE INSP. BY Dunette DATE/TIME \_\_\_\_\_ RELEASED TO \_\_\_\_\_ DATE/TIME \_\_\_\_\_

DEEPWELL OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

BELOW DECK CARGO PIPELINE:

BLIND OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY CASAS NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

DECK CHECK VALVE OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

DECK HEADER BLINDS OPENED: YES ✓ NO \_\_\_\_\_ INSECTED BY CALEB BRETT \_\_\_\_\_

DECK HEADER DR. IN PLUG OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY CWZ

VAPOR RECOVERY HEADER OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY CASAS NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

RUST SCALE: YES ✓ NO \_\_\_\_\_ WASHED OUT \_\_\_\_\_ BUCKETED OUT \_\_\_\_\_

NUMBER OF CARGO TANKS 3 CONDITION OF CARGO VALVES \_\_\_\_\_

SLOP TANK STRIPPED: YES N/A NO \_\_\_\_\_ DRIP PANS STRIPPED: YES \_\_\_\_\_ NO \_\_\_\_\_

WEATHER: TEMP 75 RAIN ✓ FOG \_\_\_\_\_ HUMIDITY ✓ OVERCAST \_\_\_\_\_ CLOUDY \_\_\_\_\_ CLEAR \_\_\_\_\_

PIPELINE WASHED: YES ✓ NO \_\_\_\_\_ PIPELINE BLOWN: YES ✓ NO \_\_\_\_\_ INSPECTED BY CALEB BRETT YES

BOW RAKE CHECKED: YES ✓ NO \_\_\_\_\_ STERN RAKE CHECKED: YES ✓ NO \_\_\_\_\_

VOIDS: YES ✓ NO \_\_\_\_\_ SAFETY EQUIPMENT USED: \_\_\_\_\_

SUMPS INSPECTED: ✓

## NOTICE

All barges cleaned for BASF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BASF logistics representative must be contacted.

Date Inspected 8/23/86 Time in: 1000 Time out: 1020

Inspected By: Caleb Brett  
 Caleb Brett

NO BASF BARGE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALEB BRETT HAS SIGNED THE RELEASE PAPERS. CALEB BRETT WILL BE GIVEN A COPY OF THIS FORM.



# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : "ETT-113"  
Port/Terminal: HERCULES/FREEPORT, TX  
Product/Cargo: NORMAL BUTANOL

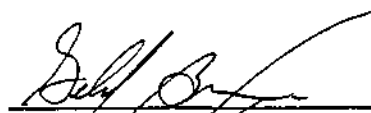
Your Reference:  
Our Reference: FP/96-1947  
Date : 9-07-96

Tank Number	1C	2C	3C
Tank Coating	MILD STEEL	MILD STEEL	MILD STEEL
Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Third Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *			
Time/Date Inspected	1250 9-7-96	1250 9-7-96	1250 9-7-96

Method said to have been used to clean tanks: CARGO TANKS AND PIPELINES WERE STRIPPED AND BLOWN DRY.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

  
I T S-Caleb Brett

# Barge Cleaning Report

JOB NO 5184 ETA                       
BARGE NO EAT-113 DATE/TIME ARRIVAL 9-7-96 7:20 AM  
CUSTOMER BASF DATE/TIME START 9-7-96 7:30 AM  
PRODUCT CYCLOHEXANE DATE/TIME COMPLETE 9-7-96 1:30 PM

AMOUNT STRIPPED 300

CLEANING INST. BY Roberts COMPLETION SCH. BY                      OVERTIME AUTH. BY Roberts

BARGE INSP. BY Dexter DATE/TIME 1:1 PM RELEASED TO Brown DATE/TIME 1:30 PM

DEEPWELL OPENED: YES N/A NO                      CLOSED BY                      NEW GASKET: YES                      NO                     

## BELOW DECK CARGO PIPELINE:

BLIND OPENED: YES ✓ NO                      CLOSED BY CASUS NEW GASKET: YES                      NO                     

DECK CHECK VALVE OPENED: YES ✓ NO                      CLOSED BY CASUS NEW GASKET: YES                      NO                     

DECK HEADER BLINDS OPENED: YES ✓ NO                      INSECTED BY CALEB BRETT                     

DECK HEADER DRAIN PLUG OPENED: YES ✓ NO                      CLOSED BY Rivera

VAPOR RECOVERY HEADER OPENED: YES ✓ NO                      CLOSED BY Rivera NEW GASKET: YES                      NO                     

RUST SCALE: YES ✓ NO                      WASHED OUT                      BUCKETED OUT                     

NUMBER OF CARGO TANKS 3 CONDITION OF CARGO VALVES                     

SLOP TANK STRIPPED: YES N/A NO                      DRIP PANS STRIPPED: YES                      NO                     

WEATHER: TEMP 90 RAIN                      FOG                      HUMIDITY                      OVERCAST                      CLOUDY                      CLEAR                     

PIPELINE WASHED: YES                      NO ✓ PIPELINE BLOWN: YES ✓ NO                      INSPECTED BY CALEB BRETT                     

BOW RAKE CHECKED: YES ✓ NO                      STERN RAKE CHECKED: YES                      NO                     

VOIDS: YES ✓ NO                      SAFETY EQUIPMENT USED:                     

SUMPS INSPECTED:                     

## NOTICE

All barges cleaned for BASF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BASF logistics representative must be contacted.

Date Inspected 9/7/96

Time in: 1235

Time out: 1300

Inspected By: A. H. Dwyer  
Caleb Brett

NO BASF BARGE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALEB BRETT HAS SIGNED THE RELEASE PAPERS. CALEB BRETT WILL BE GIVEN A COPY OF THIS FORM.



# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : ETT - 110  
Port/Terminal: Hercules Shipyard/Freeport  
Product/Cargo: Cyclohexane

Your Reference:  
Our Reference: FP/96-2099  
Date : 9-25-96

Tank Number	1C	2C	3C
Tank	MILD	MILD	MILD
Coating	STEEL	STEEL	STEEL
Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Third Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *			
Time/Date Inspected	1920 9-25-96	1925 9-25-96	1930 9-25-96

Method said to have been used to clean tanks: All cargo tanks were stripped and blown (pipeline blown for one & one half hours), swept, vacuumed rust, and vented for four hours.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

I T S-Caleb Brett

### Barge Cleaning Report

JOB NO 5208 ETA \_\_\_\_\_  
BARGE NO EXT-110 DATE/TIME ARRIVAL 9-24-96 = 7:30  
CUSTOMER BASF DATE/TIME START 9-24-96 = 8:00AM  
PRODUCT CYCLOHEXANE DATE/TIME COMPLETE 9-24-96 =

AMOUNT STRIPPED 300

CLEANING INST. BY Robert Peters COMPLETION SCH. BY \_\_\_\_\_ OVERTIME AUTH. BY \_\_\_\_\_

BARGE INSP. BY Duarte DATE/TIME 2:30 RELEASED TO \_\_\_\_\_ DATE/TIME \_\_\_\_\_

DEEPWELL OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

BELOW DECK CARGO PIPELINE:

BLIND OPENED: YES ☒ NO \_\_\_\_\_ CLOSED BY Duarte NEW GASKET: YES \_\_\_\_\_ NO ☒

DECK CHECK VALVE OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

DECK HEADER BLINDS OPENED: YES ☒ NO \_\_\_\_\_ INSECTED BY CALEB BRETT \_\_\_\_\_

DECK HEADER DRAIN PLUG OPENED: YES ☒ NO \_\_\_\_\_ CLOSED BY Rivera

VAPOR RECOVERY HEADER OPENED: YES ☒ NO \_\_\_\_\_ CLOSED BY Rivera NEW GASKET: YES \_\_\_\_\_ NO ☒

RUST SCALE: YES ☒ NO \_\_\_\_\_ WASHED OUT \_\_\_\_\_ BUCKETED OUT \_\_\_\_\_

NUMBER OF CARGO TANKS 3 CONDITION OF CARGO VALVES Good

SLOP TANK STRIPPED: YES N/A NO \_\_\_\_\_ DRIP PANS STRIPPED: YES ☒ NO \_\_\_\_\_

WEATHER: TEMP 54 RAIN \_\_\_\_\_ FOG \_\_\_\_\_ HUMIDITY \_\_\_\_\_ OVERCAST \_\_\_\_\_ CLOUDY \_\_\_\_\_ CLEAR \_\_\_\_\_

PIPELINE WASHED: YES \_\_\_\_\_ NO ☒ PIPELINE BLOWN: YES ☒ NO \_\_\_\_\_ INSPECTED BY CALEB BRETT \_\_\_\_\_

BOW RAKE CHECKED: YES ☒ NO \_\_\_\_\_ STERN RAKE CHECKED: YES ☒ NO \_\_\_\_\_

VOIDS: YES ☒ NO \_\_\_\_\_ SAFETY EQUIPMENT USED: \_\_\_\_\_

SUMPS INSPECTED: ☒

### NOTICE

All barges cleaned for BASF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BASF logistics representative must be contacted.

Date Inspected 9/25/96 Time in: 1900 Time out: 1930

Inspected By: Daniel L. Boone  
Caleb Brett

NO BASF BARGE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALEB BRETT HAS SIGNED THE RELEASE PAPERS. CALEB BRETT WILL BE GIVEN A COPY OF THIS FORM.





# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : ETT-115  
Port/Terminal: HERCULES/FREEPORT, TX  
Product/Cargo: CYCLOHEXANE

Your Reference:  
Our Reference: FP/96-2177  
Date : 10-8-96

Tank Number	1C	2C	3C
Tank Coating	MILD STEEL	MILD STEEL	MILD STEEL
Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Third Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *	1840 10-8-96	1840 10-8-96	1840 10-8-96
Time/Date Inspected			

Method said to have been used to clean tanks: CARGO TANKS & PIPELINES WERE STRIPPED, VENTED, BLOWN, VACCUMED OF LOOSE RUST. ALL TANKS WERE WASHED WITH COLD WATER, STRIPPED, AND BLOWN DRY FOR THIRTY MINUTES PER TANK.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

  
I T S-Caleb Brett

# Barge Cleaning Report

JOB NO 5240 ETA \_\_\_\_\_  
BARGE NO ETT-115 DATE/TIME ARRIVAL 10-8-96-7:50 AM  
CUSTOMER BASF DATE/TIME START 10-8-96-8:00 AM  
PRODUCT CYCLOHEXANE DATE/TIME COMPLETE 10-8-96-

AMOUNT STRIPPED 400

CLEANING INST. BY Robert Potts COMPLETION SCH. BY \_\_\_\_\_ OVERTIME AUTH. BY \_\_\_\_\_

BARGE INSP. BY Dunro DATE/TIME 4:30 PM RELEASED TO \_\_\_\_\_ DATE/TIME \_\_\_\_\_

DEEPWELL OPENED: YES NO NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

BELOW DECK CARGO PIPELINE:

BLIND OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY Rivera NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

DECK CHECK VALVE OPENED: YES NO NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

DECK HEADER BLINDS OPENED: YES ✓ NO \_\_\_\_\_ INSECTED BY CALEB BRETT \_\_\_\_\_

DECK HEADER DRAIN PLUG OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY Rivera

VAPOR RECOVERY HEADER OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY Cruz NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_

RUST SCALE: YES ✓ NO \_\_\_\_\_ WASHED OUT \_\_\_\_\_ BUCKETED OUT \_\_\_\_\_

NUMBER OF CARGO TANKS 3 CONDITION OF CARGO VALVES G.O.D

SLOP TANK STRIPPED: YES NO NO \_\_\_\_\_ DRIP PANS STRIPPED: YES ✓ NO \_\_\_\_\_

WEATHER: TEMP 85 RAIN \_\_\_\_\_ FOG \_\_\_\_\_ HUMIDITY \_\_\_\_\_ OVERCAST \_\_\_\_\_ CLOUDY \_\_\_\_\_ CLEAR ✓

PIPELINE WASHED: YES ✓ NO \_\_\_\_\_ PIPELINE BLOWN: YES ✓ NO \_\_\_\_\_ INSPECTED BY CALEB BRETT \_\_\_\_\_

BOW RAKE CHECKED: YES ✓ NO \_\_\_\_\_ STERN RAKE CHECKED: YES ✓ NO \_\_\_\_\_

VOIDS: YES ✓ NO \_\_\_\_\_ SAFETY EQUIPMENT USED: \_\_\_\_\_

SUMPS INSPECTED: ✓

## NOTICE

All barges cleaned for BASF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BASF logistics representative must be contacted.

Date Inspected 10/8/96 Time in: 1825 Time out: 1850

Inspected By: Nathan Douglas  
Caleb Brett

NO BASF BARGE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALEB BRETT HAS SIGNED THE RELEASE PAPERS. CALEB BRETT WILL BE GIVEN A COPY OF THIS FORM.



# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : ETT-114  
Port/Terminal: HERCULES/FREEPORT  
Product/Cargo: 99.9% CYCLOHEXANE

Your Reference:  
Our Reference: FP/96-2195  
Date : 10-10-96

Tank Number	1C	2C	3C
Tank Coating	MILD STEEL	MILD STEEL	MILD STEEL
Last Cargo	99.9% CYCLOHEXANE	99.9% CYCLOHEXANE	99.9% CYCLOHEXANE
Second Last Cargo	99.9% CYCLOHEXANE	99.9% CYCLOHEXANE	99.9% CYCLOHEXANE
Third Last Cargo	99.9% CYCLOHEXANE	99.9% CYCLOHEXANE	99.9% CYCLOHEXANE
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *			
Time/Date Inspected	1540 10-10-96	1540 10-10-96	1540 10-10-96

Method said to have been used to clean tanks: ALL CARGO TANKS AND PIPELINES WERE STRIPPED & BLOWN. ALL CARGO TANKS WERE BLOWN DRY WITH AIR FOR THIRTY MINUTES PER TANK AND VENTED FOR FOUR HOURS.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

  
I T S-Caleb Brett

### Barge Cleaning Report

JOB NO 5245 ETA                       
BARGE NO ETT-114 DATE/TIME ARRIVAL 10-10-96 6:50 AM  
CUSTOMER BASF DATE/TIME START 10-10-96 7:00 AM  
PRODUCT CYCLOHEXANE DATE/TIME COMPLETE 10-10-96

AMOUNT STRIPPED 300

CLEANING INST. BY Robert Peter COMPLETION SCH. BY                      OVERTIME AUTH. BY                     

BARGE INSP. BY Duarte DATE/TIME 2:30 PM RELEASED TO                      DATE/TIME                     

DEEPWELL OPENED: YES N/A NO                      CLOSED BY                      NEW GASKET: YES                      NO                     

BELOW DECK CARGO PIPELINE:

BLIND OPENED: YES ✓ NO                      CLOSED BY Rivera NEW GASKET: YES                      NO                     

DECK CHECK VALV<sup>3</sup> OPENED: YES N/A NO                      CLOSED BY                      NEW GASKET: YES                      NO                     

DECK HEADER BLINDS OPENED: YES ✓ NO                      INSECTED BY CALEB BRETT                     

DECK HEADER DRAIN PLUG OPENED: YES ✓ NO                      CLOSED BY Duarte

VAPOR RECOVERY HEADER OPENED: YES ✓ NO                      CLOSED BY Duarte NEW GASKET: YES                      NO                     

RUST SCALE: YES ✓ NO                      WASHED OUT                      BUCKETED OUT                     

NUMBER OF CARGO TANKS 3 CONDITION OF CARGO VALVES G.O.D

SLOP TANK STRIPPED: YES N/A NO                      DRIP PANS STRIPPED: YES ✓ NO                     

WEATHER: TEMP 20 RAIN                      FOG                      HUMIDITY                      OVERCAST                      CLOUDY                      CLEAR ✓

PIPELINE WASHED: YES                      NO ✓ PIPELINE BLOWN: YES ✓ NO                      INSPECTED BY CALEB BRETT                     

BOW RAKE CHECKED: YES ✓ NO                      STERN RAKE CHECKED: YES                      NO                     

VOIDS: YES ✓ NO                      SAFETY EQUIPMENT USED:                     

SUMPS INSPECTED:                     

### NOTICE

All barges cleaned for BASF will be inspected by Caleb Brett. The inspector will have paperwork for the Hercules foreman in charge to sign. The foreman will put two copies in the document mail box. One copy will stay in the mailbox, and the captain of the tugboat that is picking up the barge will not be called until inspection is completed and documentation is in the mailbox. If any problems, BASF logistics representative must be contacted.

Date Inspected 10/10/96

Time in: 1530

Time out: 1535

Inspected By: Arthur Deufsey  
Caleb Brett

NO BASF BARGE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALEB BRETT HAS SIGNED THE RELEASE PAPERS. CALEB BRETT WILL BE GIVEN A COPY OF THIS FORM.



# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : ETT - 110  
Port/Terminal: Hercules Shipyard/Freeport  
Product/Cargo: Cyclohexane

Your Reference:  
Our Reference: FP/96-2203  
Date : 10-11-96

Tank Number	1C	2C	3C
Tank	MILD	MILD	MILD
Coating	STEEL	STEEL	STEEL
Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Third Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *			
Time/Date Inspected	1420 10-11-96	1420 10-11-96	1420 10-11-96

Method said to have been used to clean tanks: All cargo tanks & pipelines were stripped and blown, stripped of chemicals and blown dry for thirty minutes per tank and forty minutes for pipeline, and ventilated for four hours.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

I T S-Caleb Brett

# Barge Cleaning Report

JOB NO \_\_\_\_\_ ETA \_\_\_\_\_  
BARGE NO E+T-110 DATE/TIME ARRIVAL 10-11-96 = 7:45  
CUSTOMER BASF DATE/TIME START 10-11-96 = 8:30 AM  
PRODUCT CYCLOHEXANE DATE/TIME COMPLETE 10-11-96 = 3:30 PM  
AMOUNT STRIPPED 300  
CLEANING INST. BY Robert Peters COMPLETION SCH. BY \_\_\_\_\_ OVERTIME AUTH. BY \_\_\_\_\_  
BARGE INSP. BY Dave DATE/TIME 2:30 RELEASED TO \_\_\_\_\_ DATE/TIME \_\_\_\_\_  
DEEPWELL OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_  
BELOW DECK CARGO PIPELINE:  
BLIND OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY CASAS NEW GASKET: YES \_\_\_\_\_ NO ✓  
DECK CHECK VALVE OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW GASKET: YES \_\_\_\_\_ NO \_\_\_\_\_  
DECK HEADER BLINDS OPENED: YES ✓ NO \_\_\_\_\_ INSPECTED BY CALEB BRETT \_\_\_\_\_  
DECK HEADER DRAIN PLUG OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY CASAS  
VAPOR RECOVERY HEADER OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY CYU2 NEW GASKET: YES \_\_\_\_\_ NO ✓  
RUST SCALE: YES ✓ NO \_\_\_\_\_ WASHED OUT \_\_\_\_\_ BUCKETED OUT \_\_\_\_\_  
NUMBER OF CARGO TANKS 3 CONDITION OF CARGO VALVES Good  
SLOP TANK STRIPPED: YES N/A NO \_\_\_\_\_ DRIP PANS STRIPPED: YES ✓ NO \_\_\_\_\_  
WEATHER: TEMP 85 RAIN \_\_\_\_\_ FOG \_\_\_\_\_ HUMIDITY \_\_\_\_\_ OVERCAST \_\_\_\_\_ CLOUDY \_\_\_\_\_ CLEAR \_\_\_\_\_  
PIPELINE WASHED: YES \_\_\_\_\_ NO ✓ PIPELINE BLOWN: YES ✓ NO \_\_\_\_\_ INSPECTED BY CALEB BRETT \_\_\_\_\_  
BOW RAKE CHECKED: YES ✓ NO \_\_\_\_\_ STERN RAKE CHECKED: YES ✓ NO \_\_\_\_\_  
VOIDS: YES ✓ NO \_\_\_\_\_ SAFETY EQUIPMENT USED: \_\_\_\_\_  
SUMPS INSPECTED: ✓

## NOTICE

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Date Inspected 10/11/96

Time in: 1405

Time out: 1435

Inspected By:

Nathan Dampsey  
Caleb Brett

NO BASF BARGE THAT HAS BEEN CLEANED WILL BE RELEASED UNTIL CALEB BRETT HAS SIGNED THE RELEASE PAPERS. CALEB BRETT WILL BE GIVEN A COPY OF THIS FORM.



# Inchcape Testing Services

Caleb Brett

## V I S U A L   T A N K   I N S P E C T I O N   R E P O R T

Vessel : ETT-112  
Port/Terminal: HERCULES/FREEPORT, TX  
Product/Cargo: 99.9% CYCLOHEXANE

Your Reference:  
Our Reference: FP/96-2445  
Date : 11-14-96

Tank Number	1C	2C	3C
Tank Coating	MILD STEEL	MILD STEEL	MILD STEEL
Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Second Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Third Last Cargo	CYCLOHEXANE	CYCLOHEXANE	CYCLOHEXANE
Visual Cleanliness Accepted *	ACCEPTED	ACCEPTED	ACCEPTED
Visual Cleanliness Rejected *			
Time/Date Inspected	1250 / 11-14-96	1250 / 11-14-96	1250 / 11-14-96

Method said to have been used to clean tanks: ALL CARGO TANKS AND PIPELINE WERE STRIPPED, PIPELINE WAS BLOWN FOR TWO HOURS AND CARGO TANKS WERE VENTED FOR FOUR HOURS.

Information regarding previous cargoes, tank coating and cleaning method was obtained from vessel personnel and cannot be guaranteed as accurate by Caleb Brett U.S.A., Inc. and no liability can be assumed for errors resulting from improper information supplied. This report, of necessity, is based on such information.

\* The cleanliness of inspected tank(s) is/are based on visual inspection of tank surfaces and line system at accessible areas only. This document does not cover the cleanliness of tank surfaces and line system at inaccessible spots and/or possible release of components of previous cargoes during loading, discharge or transport of the cargo in question, for which the vessel is fully responsible. Suitability of tank coating for intended cargo must be guaranteed by vessel's owner or by suppliers of the coating.

I T S-Caleb Brett

# BARGE CLEANING REPORT

JOB NO. 5303  
 BARGE NO. F42112  
 CO. NAME B4SE  
 PRODUCT CYCLOHEXANE

ETA \_\_\_\_\_  
 DATE/TIME ARRIVAL 11-13-96-8  
 DATE/TIME STARTED 11-13-96-10  
 DATE/TIME COMPLETE 11-14-96-3

AMOUNT STRIPPED 200

CLEANING INSTRUCTION BY: Peters  
 COMPLETION SCHEDULE BY: Peters  
 OVERTIME AUTHORIZED BY: \_\_\_\_\_  
 BARGE INSPECTED BY: Charles R. Smith DATE/TIME: 11-14-96-11:32 AM  
 BARGE RELEASED TO: BROW CANAL DATE/TIME: \_\_\_\_\_  
 DEFWELL OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW CASSET YES \_\_\_\_\_ NO \_\_\_\_\_  
 BELOW DECK CARGO PIPELINE: BLIND OPEN YES \_\_\_\_\_ NO ✓ CLOSED BY \_\_\_\_\_ NEW CASSET YES \_\_\_\_\_ NO \_\_\_\_\_  
 DECK CHECK VALVE OPENED: YES N/A NO \_\_\_\_\_ CLOSED BY \_\_\_\_\_ NEW CASSET YES \_\_\_\_\_ NO \_\_\_\_\_  
 DECK HEADY BLINDS OPEN: Yes INSPECTED BY CALLED BERTT \_\_\_\_\_  
 DECK HEADER BRUSH PLUG OPEN: YES ✓ NO \_\_\_\_\_ CLOSED BY Cruz  
 VAPOR RECOVERY HEADER OPENED: YES ✓ NO \_\_\_\_\_ CLOSED BY CASAS NEW CASSET YES \_\_\_\_\_ NO ✓  
 RUST SCALE: YES ✓ NO \_\_\_\_\_ WASHED OUT \_\_\_\_\_ BUCKETED OUT \_\_\_\_\_  
 NUMBER OF CARGO TANKS 3  
 CONDITION OF CARGO VALVES GOOD  
 STOP TANK STRIPPER: YES N/A NO \_\_\_\_\_  
 DRIP PANS STRIPPED: YES ✓ NO \_\_\_\_\_  
 WEATHER: TEMP 80 RAIN \_\_\_\_\_ FOG \_\_\_\_\_ HUMIDITY \_\_\_\_\_ OVERCAST \_\_\_\_\_ CLOUDY ✓ CLEAR ✓  
 PIPELINE WASHED: 30 PIPELINE BLOWN Yes INSPECTED BY CALLED BERTT \_\_\_\_\_  
 BOW BARGE CHECKED: YES ✓ NO \_\_\_\_\_ STEER BARGE: YES ✓ NO \_\_\_\_\_  
 VOIDS: YES ✓ NO \_\_\_\_\_ SAFETY EQUIPMENT USED: \_\_\_\_\_  
 SIGNATURE Charles R. Smith

## NOTICE

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Inspected 11/14/96 1230 1305

Inspector A. Deppa

NO BARGE BARGE INSPECTION HAS BEEN COMPLETED WILL BE RELEASED UNTIL CALLED BERTT HAS SIGNED  
 A BARGE BARGE. CALLED BERTT WILL BE GIVEN A COPY OF THIS REPORT.